

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : November 28, 1988

TO : MARY ANN MURPHY
Executive Director

FROM : JULIE A. LEPPINK
Special Assistant
Attorney General

personally picked up
11/23/88 RR - JAL

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Social Worker Licenses

The above-referenced rule has been approved as to its legality by the Attorney General on November 23, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accoradance with Minn. Stat. §14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. §14.34.

If you have any questions in this regard, please contact me.

JAL:rer

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

OFFICE OF SOCIAL WORK
AND MENTAL HEALTH BOARDS

2700 University Avenue W. #225 • St. Paul, MN 55114 • 612/643-2580

BOARD OF SOCIAL WORK

September 9, 1988

To Whom it may concern:

Attached to this letter is a copy of the notice to adopt emergency rules for the Board of Social Work, a copy of the proposed emergency rules, and of the statute establishing the Board. As of September 12, 1988, the 25 day public comment period begins. It will continue until October 6th, 1988. Your comments, and any other information, will be appreciated. Please forward to:

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Ave. W., #225
St. Paul, MN 55114

If you wish to be notified when the emergency rules are submitted to the Attorney General, please inform this office.

Your attention and concern is greatly appreciated.

Mary Ann Murphy
Executive director
Board of Social Work

Enclosures

MAM/ah

OFFICE OF SOCIAL WORK
AND MENTAL HEALTH BOARDS

2700 University Avenue W. #225 • St. Paul, MN 55114 • 612/643-2580

November 7, 1988

The Office of the Attorney General
515 Transportation Bldg.
John Ireland Blvd.
St. Paul, MN 55155
Telephone: 612-296-9715

Dear Sir/Madam:

This transmittal letter is to inform you that the Board of Social Work is formally submitting their emergency rules as reviewed by Robert Holley of the Attorney General's Office.

If you have any questions, please feel free to call me at 643-2587.

Sincerely,

Mary Ann Murphy

Mary Ann Murphy
Executive Director
Board of Social Work

ATTORNEY GENERAL

November 28, 1988

MARY ANN MURPHY
Executive Director

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to
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cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

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File No. 1532 Docket No. 65.0009. 0473

DATE RECEIVED 11/7 ADOPTED W/O HEARING _____

REVIEW DATE _____ EMERGENCY RULE X

DUE DATE 11/22 REVISOR APPROVED 11/23

APPROVED 11/23/88 REVISOR DISAPPROVED ~~11/22~~

Wdrawn 11/22 resubmitted 11/23

DISAPPROVED ~~11/22/88~~ w/drawn FILED W/SEC. OF STATE 11/23

WITHDRAWN 11/22 RETURNED TO AGENCY 11/23

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~

_____ ~~Date published in State Register~~

_____ ~~Comments~~

_____ ~~Petition for Adoption of a Rule (if applicable)~~

✓ Board's Authorizing Resolution

6/20/88 Date adopted

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

148B.18 - 148B.28

148B.171 Statutory Authority

No Small Business Statement

No Expenditure of public money statement

yes Signature

_____ ~~Statement of Need and Reasonableness (if applicable)~~

_____ ~~Small Business Statement~~

_____ ~~Fees - § 16A.128~~

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

10/12/88 Date (30)/25 days before adoption

ok Notice attached

_____ ~~Copy of rule or summary attached~~

✓ Publication in State Register

9/12/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

_____ ~~end of comment period (§ 14.26) (rules without hearing)~~

Exp 12/31/88 effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting

10/14/88 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

11/7/88 Date

✓ Written requests, submissions or comments (10)

✓ Declaration of attorney

Robert Holly Name of SAAG representing agency

✓ Notice of Submission to Atty. Gen. (if applicable)

✓ Aff. of Mailing Notice to Atty. Gen. (if applicable)

~~Department of Health~~ Board of Social Work

Adopted Emergency Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact~~ also means direction of social work practice in face-to-face sessions between the supervisor and supervisee.

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Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional, such as, but not limited to, an agency director, a consulting supervisor, a school principal, or a nursing home administrator, whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **Verification; board authority.** An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application.

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The board may require the applicant to provide verification and documentation.

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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. <u>Cut-off scores are determined on a nationwide basis.</u>

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the

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examination at the next scheduled offering of the examination after paying the examination fee. The applicant ~~shall~~ may take the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board ~~may~~ shall grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

A licensee must prominently display the license issued by

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the board at the licensee's place of employment or practice.

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the ~~licensee~~ license has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and ~~July~~ June 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and ~~July~~ June 1989 must be renewed according to items A and B.

A. A license ending with an odd ~~license~~ number must be initially renewed by July 31 of the ~~first~~ next odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license ending with an even ~~license~~ number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days

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before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the ~~initial~~ renewal license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the ~~licensee~~ individual can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the ~~licensee~~ individual passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

~~A licensee~~ An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work.

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4740.0230 [Emergency] 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 within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections ~~148B.18 to 148B.27~~ 148B.05, 148B.26, and 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license 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.

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4740.0270 [Emergency] RESTORING A LICENSE.

~~For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.~~ A former licensee may have a license restored to full status, have a suspension period reduced, or have a reprimand withdrawn if:

A. the former licensee shows competent evidence of completing required rehabilitation or present fitness to perform required occupational duties; and

B. a majority of a quorum of board members votes to restore the license.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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. ~~any other relevant information the board needs to properly evaluate the request for a variance~~ additional information that the board requests from the applicant, that relates to the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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

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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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] CODE OF ETHICS.

Subpart 1. **Code of ethics.** The code of ethics applies to the licensees and applicants who practice social work and

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by Revisor _____

applies to their conduct during the period of education, training, and employment which is required for licensure.

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

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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 to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, sex, race, national origin, religion, ~~sex,~~ physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes, sections 363.01 to 364.14. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

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A. A licensee shall not engage in any type of sexual activities with a client, as prohibited in Minnesota Statutes, chapter 148A.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. ~~A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

D. A licensee, ~~while offering dignified and reasonable support,~~ 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.

Subp. 4. **Code of personal conduct.** The licensee must ~~value~~ 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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. ~~A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not use or possess prohibited

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drugs as they are defined in Minnesota Statutes, chapter 152, unless prescribed for a legitimate medical purpose.

D. 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.

E. A licensee must provide professional services to anyone regardless of age, sex, race, national origin, religion, ~~sex, national origin~~ physical handicap, political affiliation, or social or economic status, as required in Minnesota Statutes, sections 363.01 to 364.14. A licensee must also provide professional services to anyone, regardless of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's ~~area~~ level of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to

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4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of services must be maintained to ensure security and confidentiality of clients. Records which personally identify 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn the person or others as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 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 authorized representative.

~~EFFECTIVE DATE.--The effective date of parts 4740.0100 to 4740.0310 [Emergency] is November 1, 1988.~~

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 23 1988

Joan Anderson Growe
Secretary of State

2:05 PM

APPROVED AS TO FORM AND LEGALITY

Nov. 23 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Doris Original Copy

BOARD OF SOCIAL WORK

CERTIFICATE OF THE
BOARD OF SOCIAL WORK
AUTHORIZING RESOLUTION

I, Doris B. Barry, do hereby certify that I am a member and the chairperson of the State of Minnesota Board of Social Work, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Social Work duly and properly called and held on the 20th day of June, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been recinded or modified.

"RESOLVED, that Mary Ann Murphy, the executive director of the Board of Social Work, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt Emergency rules governing the licensing of social workers, including but not limited to procedures and standards relating to the licensing requirement, the scope of authorized practice, fees, continuing education requirements, rules of conduct and disciplinary procedures, to all persons who have registered their names with the board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF,I have hereunto subscribed my name this 20th day of June, 1988.

Doris B Barry
Doris B. Barry
Chairperson

William A Anderson
Board Member

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Rules Relating to Social Worker Licenses

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4740

RECEIVED

AUG 30 1988

Office of Social Work / Mental Health Boards

The attached rules are approved for publication in the State Register

Kathleen M. Traxler
Assistant Revisor

Department of Health

Proposed Emergency Rules Relating to Social Worker Licenses

Rules as Proposed (all new material)

4740.0100 [Emergency] PURPOSE.

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Subp. 7. **Supervisor.** "Supervisor" means a person who

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meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **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 require the applicant to provide verification and documentation.

4740.0130 [Emergency] DENIAL OF LICENSE.

Approved
by Revisor _____

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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.

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the examination at the next scheduled offering of the examination after paying the examination fee. The applicant shall take the examination only one additional time within the year following the original examination. If the applicant fails the additional

Approved by Revisor _____

examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

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

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the

Approved
by Revisor _____

licensee has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and July 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and July 1989 must be renewed according to items A and B.

A. A license with an odd license number must be initially renewed by July 31 of the first odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license with an even license number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of

Approved
by Revisor _____

continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the initial license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the licensee can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the licensee passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

A licensee whose license has expired shall not use the title for which the license was issued and shall not practice social work.

4740.0230 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the

Approved by Revisor _____

licensee within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections 148B.18 to 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] REVOKED LICENSE.

A licensee whose license has been revoked must return the license 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.

4740.0270 [Emergency] RESTORING A LICENSE.

For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that

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by Revisor _____

has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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 if a variance is granted;

D. the length of time for which a variance is requested; and

E. any other relevant information the board needs to properly evaluate the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 4. **Renewal.** An applicant must submit a request for

Approved
by Revisor _____

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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] 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.

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

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] ETHICAL STANDARDS.

Subpart 1. **Responsibility to clients.** A licensee's

Approved
by Revisor _____

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.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, race, national origin, religion, sex, physical handicap, political affiliation, social or economic status, affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

A. A licensee shall not engage in any type of sexual activities with a client.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. A licensee who violates this requirement may be liable under Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, nor accept these substances from a client.

D. A licensee, while offering dignified and reasonable support, 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.

Subp. 4. **Code of personal conduct.** The licensee must value objectivity, integrity, and sound standards in the interest of service to the public and to the profession.

Approved by Revisor _____

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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. A licensee who violates this requirement may be liable under Minnesota Statutes, chapter 148A.

C. 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.

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

E. A licensee must provide professional services to anyone regardless of age, race, religion, sex, national origin, political affiliation, social or economic status, affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the

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by Revisor _____

licensee's area of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of services must be maintained to ensure security and confidentiality of clients. Records which personally identify the client shall not be released to third parties unless:

(1) the client 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 6. **Research.** A licensee must conduct research activities with full respect for the rights and dignity of

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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.

EFFECTIVE DATE. The effective date of parts 4740.0100 to 4740.0310 [Emergency] is November 1, 1988.

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Social Work Board

In the Matter of the Proposed Adoption of the Rules of the State Board of Social Work Governing the Licensure of Social Workers

NOTICE OF INTENT TO ADOPT EMERGENCY RULES

Notice is hereby given that the State Board of Social Work (Board) intends to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in Minnesota Statutes, 1987, Chapter 148B.171 and 148B.18 to 148B.28. The Board, in adopting the rules is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, sections 14.29 to 14.36.

All persons have 25 days after publication in which to submit comment in support of or in opposition to the proposed rules, or any part or subpart of the rules, in writing. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any comments must be submitted to:

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Avenue West, Suite 225
St. Paul, MN 55114
(612) 643-2587

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed emergency rules is attached to this notice.

A free copy of the proposed emergency rules is available upon request from Mary Ann Murphy at the above mentioned address or phone number, or from the:

Office of Social Work and Mental Health Boards
2700 University Avenue West, Suite 225
St. Paul Mn, 55114
(612) 643-2580

Upon adoption of the emergency rules by the Board, the rules and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the

date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mary Ann Murphy, at the above mentioned address.

The emergency rule will take effect five working days after approval by the Attorney General and will be effective for 180 days. The emergency rule will continue in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

Aug 26, 1988
Doris B Berry

Date

Mary Ann Murphy

Mary Ann Murphy
Executive Director

STATE OF MINNESOTA

BOARD OF SOCIAL WORK

In the Matter of the Proposed Adoption of the Emergency Rules of the State Board of Social Work Governing the Licensure of Social Workers

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT EMERGENCY RULES AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Ann Murphy, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Board of Social Work rulemaking list is accurate, complete, and current as of this 12th day of September, 1988.

That on the 12th day of October, 1988, at the City of St. Paul, county of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Emergency Rules by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Mary Ann Murphy
Executive Director
Board of Social Work

Subscribed and sworn to before me this 12 day of Oct, 19 88

BETTY L. MESSERVEY
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My Commission Expires Apr. 7, 1989

Betty L. Messervey

Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Health

Proposed Emergency Rules Relating to Social Worker Licenses

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the State Board of Social Work (Board) intends to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes,* 1987, Chapter 148B.171 and 148B.18 to 148B.28. The Board, in adopting the rules is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, sections 14.29 to 14.36.

All persons have 25 days after publication in which to submit comment in support of or in opposition to the proposed rules, or any part or subpart of the rules, in writing. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any comments must be submitted to:

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Avenue West, Suite 225
St. Paul, MN 55114
(612) 643-2587

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed emergency rules is attached to this notice.

A free copy of the proposed emergency rules is available upon request from Mary Ann Murphy at the above mentioned address or phone number, or from the:

Office of Social Work and Mental Health Boards
2700 University Avenue West, Suite 225
St. Paul, MN 55114
(612) 643-2580

Upon adoption of the emergency rules by the Board, the rules and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mary Ann Murphy, at the above mentioned address.

The emergency rule will take effect five working days after approval by the Attorney General and will be effective for 180 days.

The emergency rule will continue in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes,* section 14.35.

Dated: 26 August 1988

Mary Ann Murphy
Executive Director

Rules as Proposed (all new material)

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact between the supervisor and supervisee.

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under *Minnesota Statutes,* section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **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 require the applicant to provide verification and documentation.

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for

reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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.

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the examination at the next scheduled offering of the examination after paying the examination fee. The applicant shall take the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

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

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the licensee has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and July 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and July 1989 must be renewed according to items A and B.

A. A license with an odd license number must be initially renewed by July 31 of the first odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license with an even license number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the initial license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the licensee can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the licensee passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

A licensee whose license has expired shall not use the title for which the license was issued and shall not practice social work.

4740.0230 [Emergency] 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 within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections 148B.18 to 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] REVOKED LICENSE.

A licensee whose license has been revoked must return the license 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.

4740.0270 [Emergency] RESTORING A LICENSE.

For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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 if a variance is granted;

D. the length of time for which a variance is requested; and

E. any other relevant information the board needs to properly evaluate the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] 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.

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

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, race, national origin, religion, sex, physical handicap, political affiliation, social or economic status, affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

A. A licensee shall not engage in any type of sexual activities with a client.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with

the client ends. A licensee who violates this requirement may be liable under Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, nor accept these substances from a client.

D. A licensee, while offering dignified and reasonable support, 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.

Subp. 4. **Code of personal conduct.** The licensee must value 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.

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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

A. A licensee shall not engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. A licensee who violates this requirement may be liable under Minnesota Statutes, chapter 148A.

C. 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.

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

E. A licensee must provide professional services to anyone regardless of age, race, religion, sex, national origin, political affiliation, social or economic status, affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's area of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of services must be maintained to ensure security and confidentiality of clients. Records which personally identify the client shall not be released to third parties unless:

(1) the client 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn as required under Minnesota Statutes, sections 148.975 and 148.976; ~~A licensee~~ shall communicate this information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 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.

EFFECTIVE DATE. The effective date of parts 4740.0100 to 4740.0310 [Emergency] is November 1, 1988.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project in the City of Elk River and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on September 28, 1988, at 9:30 a.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of Alltool Manufacturing Co., Inc., a Minnesota corporation and/or All Lan Partnership, a partnership among Robert Silkett, Keneth Isaacson and Brian Moran (the "Applicants"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the development, construction and operation of a manufacturing facility consisting of a manufacturing facility with a total of approximately 80,000 to 85,000 square feet in the City of Elk River, Minnesota [general description of the location being at the far west corner of Industrial Blvd. and County Road 4 in Elk River Industrial Park, Elk River, Minnesota (the "Project")]. The initial owner of the Project will be one of the Applicants and the Project is expected to be operated and managed by one of the Applicants. It is contemplated that the Project will be used for manufacturing of tooling, metal stampings and fabrications for other manufacturing companies to use in their products. The estimated amount of the Board's proposed bond issue is an amount not to exceed $1,875,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicants. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial or special assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivsion thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Applications to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Applications and accepting the Project is available for public inspection at the offices of the Board at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

published 9/26/88

Errata

Department of Public Service

Correction to Adopted Permanent Rules Relating to Thermal Insulation Standards

Correction to Department of Public Service rules proposed on May 2, 1988 at 12 *State Register*, page 2378. On page 2391 the repealer should have included *Minnesota Rules*, part 4155.0150. Also in part 4155.0130, subpart 2, item B, subitem 1, on page 2382, the range reference to "parts 4155.0130 to 4155.0150", should be corrected to read "parts 4155.0130 to 4155.0155".

These rules were adopted at 13 *State Register*, page 532, on September 5, 1977.

Department of Health

Correction to Proposed Emergency Rules Relating to Social Worker Licenses

The following lines which appeared in the *State Register*, September 12, 1988, Vol. 13 #11, page 607, were inadvertently repeated from page 603 and were listed out of order. The subparts that were mistakenly listed appeared under the paragraph "Subp. 4. **Code of personal conduct.**" The error does not effect the emergency rules as proposed, nor their proposed effective date.

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under *Minnesota Statutes*, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Bulletin of Pending Applications Under the Reciprocal Interstate Banking Act *Minnesota Statues* § 48.98, Subdivision 2, (2)

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes* § 48.93 and shall be disapproved if:

(1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;

(3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area;

(4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota;

(5) A subsidiary of the acquiring bank holding company has failed to meet the requirements set forth in the federal Community Reinvestment Act; or

(6) The acquisition will result in over 30 percent of Minnesota's total deposits in financial institutions as defined in section 13A.01, subdivision 2, being held by banks located in this state owned by reciprocating state bank holding companies. This limitation does not apply to consideration for approval pursuant to section 48.99, special acquisitions.

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division

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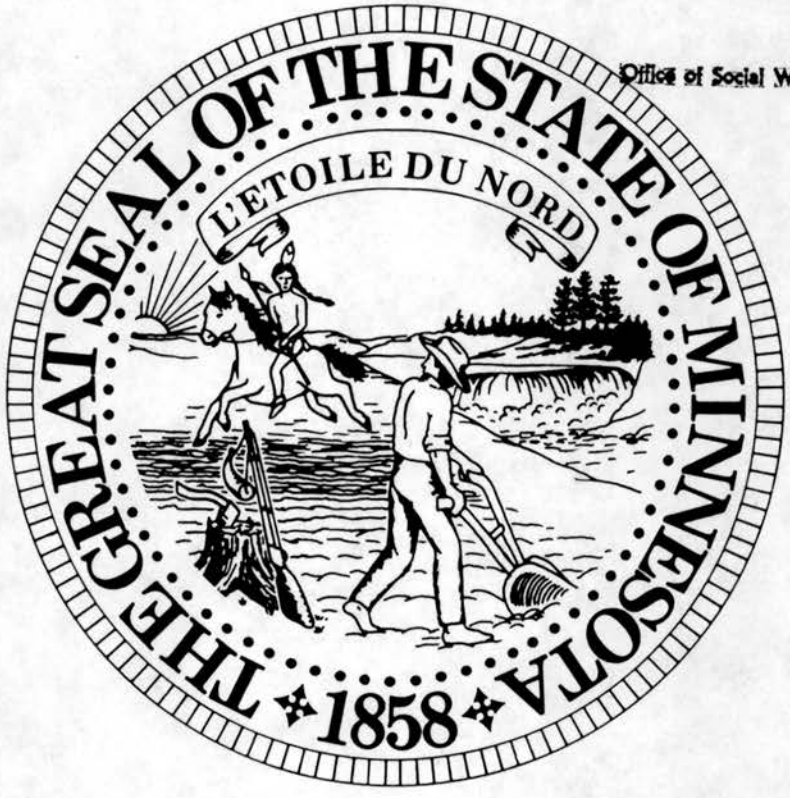
Office of Social Work & Mental Health Boards



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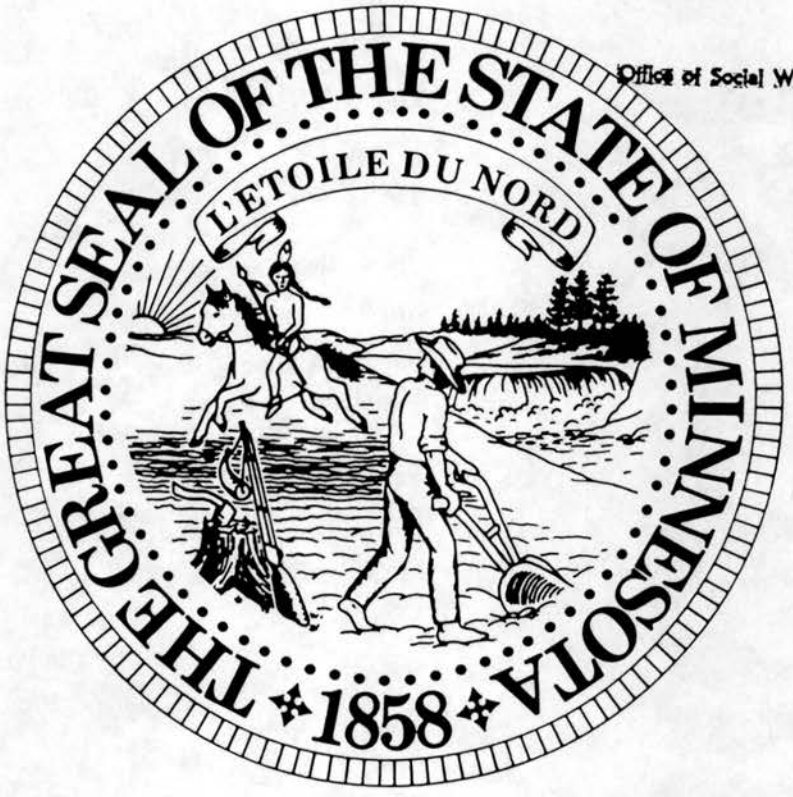

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Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Health

Proposed Emergency Rules Relating to Social Worker Licenses

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the State Board of Social Work (Board) intends to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes*, 1987, Chapter 148B.171 and 148B.18 to 148B.28. The Board, in adopting the rules is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, sections 14.29 to 14.36.

All persons have 25 days after publication in which to submit comment in support of or in opposition to the proposed rules, or any part or subpart of the rules, in writing. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any comments must be submitted to:

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Avenue West, Suite 225
St. Paul, MN 55114
(612) 643-2587

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed emergency rules is attached to this notice.

A free copy of the proposed emergency rules is available upon request from Mary Ann Murphy at the above mentioned address or phone number, or from the:

Office of Social Work and Mental Health Boards
2700 University Avenue West, Suite 225
St. Paul, MN 55114
(612) 643-2580

Upon adoption of the emergency rules by the Board, the rules and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mary Ann Murphy, at the above mentioned address.

The emergency rule will take effect five working days after approval by the Attorney General and will be effective for 180 days.

The emergency rule will continue in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, section 14.35.

Dated: 26 August 1988

Mary Ann Murphy
Executive Director

Rules as Proposed (all new material)

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact between the supervisor and supervisee.

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under *Minnesota Statutes*, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **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 require the applicant to provide verification and documentation.

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for

published 9/26/88

Errata

Department of Public Service

Correction to Adopted Permanent Rules Relating to Thermal Insulation Standards

Correction to Department of Public Service rules proposed on May 2, 1988 at 12 *State Register*, page 2378. On page 2391 the repealer should have included *Minnesota Rules*, part 4155.0150. Also in part 4155.0130, subpart 2, item B, subitem 1, on page 2382, the range reference to "parts 4155.0130 to 4155.0150", should be corrected to read "parts 4155.0130 to 4155.0155".

These rules were adopted at 13 *State Register*, page 532, on September 5, 1977.

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(1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;

(3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area;

(4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota;

(5) A subsidiary of the acquiring bank holding company has failed to meet the requirements set forth in the federal Community Reinvestment Act; or

(6) The acquisition will result in over 30 percent of Minnesota's total deposits in financial institutions as defined in section 13A.01, subdivision 2, being held by banks located in this state owned by reciprocating state bank holding companies. This limitation does not apply to consideration for approval pursuant to section 48.99, special acquisitions.

CERTIFICATE OF THE

BOARD OF SOCIAL WORK

RESOLUTION ADOPTING THE RULE

I, Doris B. Barry, do hereby certify that I am a member and the Chairperson of the Board of Social Work, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Social Work, duly and properly called and held on the 14th day of October, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"Resolved, that the rules relating to licensure of Social Workers are approved and adopted, pursuant to authority vested in the Board of Social Work by Minnesota Statutes Chapter 214B.18 to 148B.28. Mary Ann Murphy, executive director of the Board of Social Work, is authorized to sign the findings of fact, conclusions, and order adopting the rule and is further authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this day of October 14, 1988.

Doris B. Barry
Chairperson

Cecilia M. Harrington

Member, Board of Social Work

STATE OF MINNESOTA

BOARD OF SOCIAL WORK

In the matter of the Proposed Adoption of the Rules of the State Board of Social Work Governing the Licensure of Social Workers

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULES

Notice of the Board of Social Work's intent to adopt the above-entitled emergency rules was published in the State Register on September 12, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on September 12, 1988.

All persons were given the opportunity to submit written comment on the rule for at least 25 days after notice of proposed rulemaking.

The above entitled matter came before the State Board of Social Work (Board) on the 14th day of October, 1988. After considering all written comments submitted to the Board, in accordance with statutory requirements regarding the adoption of emergency rules, the board being fully advised in the premises, hereby adopts the following findings of fact and conclusion.

FINDINGS OF FACT

1. The Board published its notice of intent to adopt the above captioned rules, together with the proposed rules, in the State Register on September 12, 1988.

2. The notice of the board's intent to adopt the emergency rules afforded interested persons 25 days in which to submit data and views on the proposed rules. The comment period, as set out in the notice expired on October 6, 1988.

3. During the comment period, the board received written comments from ten interested persons or departments or agencies. They are as follows.

Joan Riebel, Family Alternative, Minneapolis, MN;
Edwina Hertzberg, ACSW, Ph.D., Augsburg College;
Arthur Noot, Board of Social Ministry Foundation;
Tom Schleck, Past Region X County Social Workers Chair;
Tom Hiendlmayr, Kathy Burek, Health Occupations Program;

Lynne Lockie, MSW/ACSW, President, Minnesota Society for Clinical Social Workers;
Jean Searles, MSW RESA Inc.;
D.R. Bloomquist, Manager, Christian Dating Services;
Mary Beth Curry, Minnesota Hospital Association;
Eleanor Weber, State of Minnesota Department of Human Services.

In addition, the Board staff prepared written comments on modifications to the proposed emergency rules and these comments are part of the record.

4. The board finds that certain of these comments have merit and has modified them accordingly. None of these changes is substantive.

5. The modifications and their specific grounds for their adoption are as follows:

CLARIFICATION OF LANGUAGE AMBIGUITY:

A. Page 1, Line 1.
To correct a drafting error;
~~Department of Health~~ Board of Social work.
(Comment Board of Social Work)

B. Lines 32 to 34, 4740.01 Definitions Subp. 6 Supervision.
For consistency and clarity, it is reasonable to repeat the statutory language (Mn Statute 148B. Sub. 12) as follows:
Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face to face contact~~ also means direction of social work practice in face to face sessions between supervisor and supervisee.
(Comment: Mn. Dept. of Health)

C. 4740.0140 Examination, Item B. Line 26.
For additional clarity of language,it is reasonable to add: Cut off scores are to be determined on a nationwide basis.
(Comment: Mn. Dept. of Health)

D. 4740.0140 Examination, Item E. Line 35
For consistency it is reasonable to modify this language.
The applicant ~~shall~~ may take the examination only one additional time within the year following the original examination.,
(Comment: Hertzberg)

E. 4740.0150 Reciprocity; Line 6.
This change follows the statutory language:
The Board ~~may~~ shall grant a license to an applicant who provides satisfactory verification.
(Comment: Mn. Dept. of Human Services)

F. 4740.0180 Term of License, Effective Date; Line 3.
To provide clarity to the sentence structure, and eliminate ambiguity from the following section:
~~Licensee~~ License has been assigned a number.
(Comment: Mn. Dept. of Human Services)

G. 4740.0195 Renewal of Licenses Issued in the Transition Period. line 17.
To correct a drafting error, and for clarity of the rule:
~~July~~ June 1989 must be renewed according to items A and B.
(Comment: Mn. Dept of Health)

H. 4740.0195 Renewal of Licenses Issued in the Transitional Period. Item A. Line 19
For clarification of language ambiguity within this section:
A license ending with an even ~~license~~ number must be initially renewed by July 31, of the next ~~first~~ odd numbered year that follows the effective date established in part 4740.0180.
(Comment: Mn. Dept. of Human Services)

I. 4740.0195 Renewal of Licenses issued in the Transitional Period. Item B. Line 23.
For consistency in the clarification of this section of the rule.
A license ending with an even ~~license~~ number must be initially renewed by July 31.
(Comment: Board of Social Work)

J. 4740.0210 Inactive License Status. Line 19
Correction of a drafting error in the language:
and pays the ~~initial~~ renewal license fees.
(Comment: Board of Social Work)

K. 4740.0220 Reinstatement of Expired License
Clarification of language ambiguity:
A. Line 23, the ~~licensee~~ individual can show good cause

C. Line 29, the ~~licensee~~ individual takes and passes the exam

D. Line 31, A ~~licensee~~ individual whose license has expired
(Comment: Mn. Dept. of Human Services)

L. 4740.0250 Suspension or Revocation of License. Line 16.
For correction of a drafting error in the language.
Sections ~~148B.18 to 148B.27~~ 148B.05, 148B.26, and 148B.27
(Comment: State Board of Social Work)

M. 4740.0260 Revoked License Line 28.
An addition to avoid ambiguity in the rule.
Suspended or Revoked License.
(Comment: State Board of Social Work)

N. 4740.0260 Revoked License Line 29
An addition to avoid ambiguity in the rule.
A licensee whose license has been suspended or revoked
(Comment: Board of Social Work)

O. 4740.0260 Restoring a License. Lines 33 through 34, page 8 lines 1 & 2.
For clarification of ambiguity in the language.
~~For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.~~ A former licensee may have their license restored to full status, have a period of suspension reduced, or have a reprimand withdrawn if:
A. The former licensee shows competent evidence of completing required rehabilitation and/or present fitness to perform required occupational duties; and
B. a majority of a quorum of board members votes to restore the license.
(Comment: Mn. Dept. of Health, Mn. Dept of Human Services)

P. 4740.0280 Variance. Item C. Line 22
Clarification of language to avoid ambiguity.
The alternate measures that will be taken, to protect the public if a variance is granted;
(Comment: Mn. Dept. of Human Services)

Q. 4740.0310 Ethical Standards Pages 10, 11, 12, 13.

1. Line 19. **Addition to eliminate ambiguity in the rule.**
dishonorable practice to the board and other appropriate authority, as required under Minnesota Statutes, 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.
(Comment: Mn. Dept. of Human Services)

2) Sub. 2 Lines 26 through 31. **For additional clarity and consistency to rule language:**
discriminate on the basis of age, sex, race, national origin, religion, ~~sex~~, physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes 3633.01 to 364.14 In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.
(Comment: Mn. Dept. of Human Services & Board of Social Work)

3) Sub. 3. lines 34 & 35. **Deletion and statutory citation to clarify ambiguity;**

sexual activities with a client, as prohibited in Minnesota Statutes chapter 148A.

(Comment: Mn. Dept. of Human Services & Board of Social Work)

Item B. Lines 3, 4, & 5. **Deletion and statutory citation to clarify ambiguity**

relationship with the client ends. ~~A licensee who violates this requirement may be liable under,~~ as prohibited in Minnesota Statutes, chapter 148B.

(Comment: Mn. Dept. of Human Services)

4) Item C. Lines 7 & 8. **Addition to language for clarity:**

or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

(Comment: Mn. Dept. of Human Services)

5) Item D. Lines 9 & 10. **Modification to clarify rule language:**

a licensee, ~~while offering dignified and reasonable support~~, must be cautious in prognosis

(Comment: Mn. Dept. of Human Services)

6) Sub. 4. Line 17. **To remove ambiguity in rule language.**

The licensee must ~~value~~ demonstrate objectivity, integrity

(Comment: Mn. Dept. of Human Services
Mn. Dept. of Health)

7) Item B, Lines 30 - 32. **Deletion for clarity in rule language.**

~~A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

(Comment: Mn. Dept. of Health)

8) Item D, Line 1. **Modification for clarity in rule language.**

alcoholic beverage or medication, in a manner that impairs the licensee's ability

(Comment: Mn. Dept. of Human Services)

9) Item E. Lines 5 - 10. **For consistency with #2 on this page and additional clarity to rule language.**

anyone regardless of age, sex, race, national origin, political affiliation, religion, ~~sex, national origin, physical handicap~~ political affiliation, or social or economic status, as is required in Minnesota Statutes, sections 363.01-363.14. A licensee must also provide professional services to anyone, regardless of affectional preference or lifestyle.

(Comment: Board of Social Work)

10) Item I Line 24, **Modification for more specific language**

Licensee's ~~area~~ level of competence

(Comment: Mn. Dept. of Human Services
Mn. Board of Social Work)

11) Sub. 5 Item (1). Confidentiality and Keeping Records. **Addition for clarity of language**

1. the client or authorized representative consents in writing.
(Comment: Mn. Dept. of Human Services)

12) Item C. Lines 16 & 17. **Addition for clarification of ambiguity in rule language.**

a licensee has the duty to warn the person or others as required under Minnesota Statutes.
(Comment: Mn. Dept. of Human Services
Hetzberg)

13) Sub. 6 Lines 27 & 28. **Addition to clarify ambiguity in rule language.**

based on the informed consent of the participant or authorized representative.
(Comment: Mn. Dept. of Human Services)

R. Effective Date Lines 30 & 31
For clarity of rule language delete
~~EFFECTIVE DATE. The effective date of parts 4740.0100 to 4740.0310 (Emergency) is November 1, 1988.~~
(Comment: Board of Social Work)

CONCLUSION

1. The Board published and served timely and adequate notice of the intent to adopt the proposed emergency rules.

2. The Board has demonstrated its statutory authority to adopt the proposed emergency rules and has fulfilled all other substantive and procedural requirements of statute and rule.

3. The changes that are being made in the emergency rules do not result in emergency rules that are substantially different than what was proposed in the State Register.

4. Any findings which might properly be termed conclusions and any conclusions which might properly be termed findings are hereby adopted as such.

ORDER

NOW, THEREFORE, IT IS ORDERED that the rule identified as Proposed Emergency Rules Relating to Social Worker Licenses as modified is adopted this 7 day of Nov, 1988, pursuant to authority vested in the Board of Social Work by Minnesota Statutes, section 148.B171.

Mary Ann Murphy

Mary Ann Murphy
Executive Director
Board of Social Work

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF SOCIAL WORK

In the Matter of the Proposed Adoption of the Rules of the State Board of Social Work Governing the Licensure of Social Workers

DECLARATION OF COUNSEL

I, Robert T. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 50.5X08.0475.

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

Dated: November 7, 1988

STATE OF MINNESOTA

BOARD OF SOCIAL WORK

In the Matter of the Proposed Adoption of the rule of the State Board of Social Work Governing the Licensure of Social Workers

NOTICE OF SUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned emergency rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, Nov. 7th, 1988, for review as to legality and form to the extent form relates to legality. The proposed emergency rule, the rule as adopted, all the notices, all written comments received and other required documents also have been submitted to the attorney general.

The proposed emergency rule which was published in the state Register and made available to the public on September 12, 1988, has been modified. A free copy of the emergency rule as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rule is available upon request from:

Mary Ann Murphy
Executive Director, Board of Social Work
2700 University Avenue West, #225
St. Paul, MN 55114
Telephone: (612) 643-2587 or 643-2500.

The rule must be approved or disapproved by the Attorney General on the tenth working day following date of receipt of the rule. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. the attorney general standards for review are set forth in Minnesota Rules, part 2010.1000. you may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or request for the decision must be directed to:

THE OFFICE of the ATTORNEY GENERAL
515 Transportation Building
John Ireland Blvd.
Saint Paul, Minnesota 55155
Telephone: (612)296-9715

Any written comments submitted to the Attorney General must be submitted simultaneously to :

Mary Ann Murphy
Executive Director, Board of Social Work
2700 university Avenue West, #225
St. Paul, MN 55114
Telephone: (612) 643-2587, or 632-2580

Mary Ann Murphy
Executive Director
Board of social work

Dated: Nov. 7th 1988

OFFICE OF SOCIAL WORK
AND MENTAL HEALTH BOARDS

2700 University Avenue W. #225 • St. Paul, MN 55114 • 612/643-2580

BOARD OF SOCIAL WORK

In the Matter of the Proposed Adoption of the Emergency Rules of the State Board of Social Work Governing the Licensure of Social Workers

AFFIDAVIT OF MAILING THE NOTICE OF SUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Ann Murphy, being sworn says:
That on the 7th day of November, 1988, in the City of St Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Department of Health Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above entitled matter has been submitted to the Attorney General.

Mary Ann Murphy

Mary Ann Murphy
Executive Director
Board of Social Work

Subscribed and sworn to before me this 7th day of Nov., 1988

Betty L. Messerschmidt

BETTY L. MESSERSCHMIDT
NOTARY PUBLIC – MINNESOTA
DAKOTA COUNTY
My Commission Expires Apr. 7, 1989

Lois Mizuno *
Board of Psychology
Colonial Park Office Bldg

Joseph Kunik
Cambridge Regional
Human Services Center
Cambridge MN 55008

Marilyn Moen, Ex. Dir.
Lakeland Mental Health
Center, Inc.
810 - 4th Ave. So.
Moorhead, MN 56560

Theresa McPartin
715 Edgerton St.
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John Nordquist
Curative Rehab
P.O. 8027 2900 Curry Ln
Green Bay, WI 54308-8027

Marilyn Brown
1327 43rd 1/2 Ave. NE
Minneapolis, MN 55421

Theresa Mc Partlin
715 Edegerton St.
St. Paul, MN 55101

Joanne L. Pertz Flannery
911 5th Ave. NE, #26
Austin, MN 55912

Paul Lussenhop
3140 Homes Ave. So.
Minneapolis, MN 55408

STATE OF MINNESOTA
BOARD OF SOCIAL WORK

In the Matter of the Proposed Adoption of the Rules of the State Board of Social Work Governing the Licensure of Social Workers

NOTICE OF **RESUBMISSION** OF EMERGENCY RULES TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned emergency rules as adopted have been resubmitted to the Office of the Attorney General on the date of this notice, November 23, 1988, for review as to legality and form to the extent form relates to legality. The proposed emergency rules, the rules as adopted, all the notices, all written comments received and other required documents also have been resubmitted to the Attorney General.

The proposed emergency rules which were published in the State Register and made available to the public on September 12, 1988, have been modified. A free copy of the emergency rules as modified as well as the findings of fact, conclusions, and order and the supplemental findings of fact, conclusions, and order explaining the amendments and adopting the rules are available upon request from:

Mary Ann Murphy
Executive Director, Board of Social Work
2700 University Avenue West, #225
St. Paul, MN 55114
Telephone: (612) 643-2587 or 643-2500.

The resubmitted emergency rules must be approved or disapproved by the Attorney General. Because the resubmitted rules do not raise significant new legal issues, the ten-day minimum review period does not apply. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your requests for the decision must be directed to:

The Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
Saint Paul, Minnesota 55155
Telephone: (612) 296-9715.

Dated:

Mary Ann Murphy
Executive Director
Board of Social Work

OFFICE OF SOCIAL WORK
AND MENTAL HEALTH BOARDS

2700 University Avenue W. #225 • St. Paul, MN 55114 • 612/643-2580

BOARD OF SOCIAL WORK

In the Matter of the Proposed Adoption of the Emergency Rules of the State Board of Social Work Governing the Licensure of Social Workers

AFFIDAVIT OF MAILING THE NOTICE OF RESUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Mary Ann Murphy, being sworn says:

That on the twentythird day of November, 1988, in the City of St Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Resubmission to the Attorney General by depositing in the State of Minnesota Department of Health Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above entitled matter has been submitted to the Attorney General.

Mary Ann Murphy
Executive Director
Board of Social Work

Subscribed and sworn to before me this 23rd day of Nov., 1988

BETTY L. MESSERVEY
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires Apr. 7, 1989

Betty L. Messervey

Lois Mizuno *
Board of Psychology
Colonial Park Office Bldg

Joseph Kunik
Cambridge Regional
Human Services Center
Cambridge MN 55008

Marilyn Moen, Ex. Dir.
Lakeland Mental Health
Center, Inc.
810 - 4th Ave. So.
Moorhead, MN 56560

Theresa McPartin
715 Edgerton St.
St. Paul, MN 55101

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Curative Rehab
P.O. 8027 2900 Curry Ln
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St. Paul, MN 55101

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911 5th Ave. NE, #26
Austin, MN 55912

Paul Lussenhop
3140 Homes Ave. So.
Minneapolis, MN 55408

STATE OF MINNESOTA

BOARD OF SOCIAL WORK

In the Matter of the Proposed Adoption of the Rules of the State Board of Social Work Governing the Licensure of Social Workers	**SUPPLEMENTAL FINDINGS OF FACT CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULES**

SUPPLEMENTAL FINDINGS OF FACT

1. On November 22, the Board of Social Work (Board) withdrew their Emergency Rules for the purpose of implementing three modifications to the rules.

2. The Board finds that these proposed changes have merit and has modified the emergency rules accordingly. None of these changes is substantive, and none of these changes raises significant new legal issues.

3. The modifications and their specific grounds for their adoption are as follows:

CLARIFICATION OF LANGUAGE AMBIGUITY:

A. Page 2, line 4, 4740.0110 Definitions Subp. 7 Supervision
For additional clarity of language, it is reasonable to add;
another qualified professional, such as, but not limited to, an agency director, a consulting supervisor, a school principal, or a nursing home administrator, whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

B. Page 5, line 10, 4740.0190 Biennial Renewal of License
To correct a drafting error;
granted between January 1989 and ~~July~~ June 1989 must be renewed

C. Page 8, line, 4740.0280 Variance Subp. 2. E.
For clarification of ambiguity in the language;
~~any other relevant information the board needs to properly evaluate the~~ additional information that the board requests from the applicant that relates to request for a variance.

CONCLUSIONS

1. The changes that are being made in the resubmitted emergency rules do not result in emergency rules that are substantially different than what was proposed in the State Register. These changes do not raise significant new legal issues.

2. Any finding which might properly be termed conclusions and any conclusions which might properly be termed findings are hereby adopted as such.

ORDER

NOW, THEREFORE,IT IS ORDERED that the rules identified as Proposed Emergency Rules Relating to Social Worker Licenses as modified is adopted this twenty-third day of November, 1988, pursuant to authority vested in the Board of Social Work by Minnesota Statutes, section 148.B171.

Mary Ann Murphy
Executive Director
Board of Social Work

STATE OF MINNESOTA

BOARD OF SOCIAL WORK

In the matter of the Proposed Adoption of the Emergency Rules of the State Board of Social Work Governing the Licensure of Social Workers

ORDER OF WITHDRAWL OF EMERGENCY RULES

ORDER

NOW, THEREFORE,IT IS ORDERED that the rule identified as Proposed Emergency Rules Relating to Social Worker Licenses as modified is WITHDRAWN this twentysecond day of November, 1988, pursuant to authority vested in the Board of Social Work by Minnesota Statutes, section 148.B171.

Mary Ann Murphy
Executive Director
Board of Social Work

AG Copy

~~Department of Health~~ Board of Social Work

Adopted Emergency Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact~~ also means direction of social work practice in face-to-face sessions between the supervisor and supervisee.

Approved by Revisor

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **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 require the applicant to provide verification and documentation.

Approved by Revisor ____

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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. Cut-off scores are determined on a nationwide basis.

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the examination at the next scheduled offering of the examination after paying the examination fee. The applicant ~~shall~~ may take

Approved
by Revisor _____

the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board ~~may~~ shall grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, def ? the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

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

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

Approved by Revisor _____

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the ~~licensee~~ license has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and July 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and ~~July~~ June 1989 must be renewed according to items A and B.

A. A license ending with an odd ~~license~~ number must be initially renewed by July 31 of the ~~first~~ next odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license ending with an even ~~license~~ number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not

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relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the ~~initial~~ renewal license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the ~~licensee~~ individual can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the ~~licensee~~ individual passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

~~A licensee~~ An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work.

4740.0230 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

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by Revisor _____

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections ~~148B.18 to 148B.27~~ 148B.05, 148B.26, and 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license 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.

4740.0270 [Emergency] RESTORING A LICENSE.

Approved
by Revisor _____

~~For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.~~ A former licensee may have a license restored to full status, have a suspension period reduced, or have a reprimand withdrawn if:

A. the former licensee shows competent evidence of completing required rehabilitation or present fitness to perform required occupational duties; and

B. a majority of a quorum of board members votes to restore the license.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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. any other relevant information the board needs to properly evaluate the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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.

Approved by Revisor ___

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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] 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.

Subp. 2. **Purpose.** The code of ethics constitutes the

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by Revisor _____

standards by which the professional conduct of a licensee is measured.

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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 to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, sex, race, national origin, religion, ~~sex,~~ physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes, sections 363.01 to 364.14. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

A. A licensee shall not engage in any type of sexual activities with a client, as prohibited in Minnesota Statutes, chapter 148A.

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by Revisor _____

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

D. A licensee~~, while offering dignified and reasonable support,~~ 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.

Subp. 4. **Code of personal conduct.** The licensee must ~~value~~ 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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. 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.

D. A licensee shall not use any drug, controlled

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by Revisor _____

substance, alcoholic beverage, or medication in a manner that impairs the licensee's ability to conduct the practice authorized by license.

E. A licensee must provide professional services to anyone regardless of age, sex, race, national origin, religion, ~~sex, national origin~~ physical handicap, political affiliation, or social or economic status, as required in Minnesota Statutes, sections 363.01 to 364.14. A licensee must also provide professional services to anyone, regardless of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's ~~area~~ level of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of

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services must be maintained to ensure security and confidentiality of clients. Records which personally identify 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn the person or others as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 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 authorized representative.

~~EFFECTIVE-DATE.--The-effective-date-of-parts-4740.0100-to 4740.0310-{Emergency}-is-November-1,-1988.~~

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~~Department of Health~~ Board of Social Work

Adopted Emergency Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact~~ also means direction of social work practice in face-to-face sessions between the supervisor and supervisee.

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Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **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 require the applicant to provide verification and documentation.

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by Revisor _____

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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. Cut-off scores are determined on a nationwide basis.

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the examination at the next scheduled offering of the examination after paying the examination fee. The applicant ~~shall~~ may take

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by Revisor _____

the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board ~~may~~ shall grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

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

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

Approved by Revisor _____

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the ~~licensee~~ license has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and July 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and ~~July~~ June 1989 must be renewed according to items A and B.

A. A license ending with an odd ~~license~~ number must be initially renewed by July 31 of the ~~first~~ next odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license ending with an even ~~license~~ number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not

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by Revisor _____

relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the ~~initial~~ renewal license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the ~~licensee~~ individual can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the ~~licensee~~ individual passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

~~A licensee~~ An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work.

4740.0230 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

Approved by Revisor _____

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections ~~148B.10 to 148B.27~~ 148B.05, 148B.26, and 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license 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.

4740.0270 [Emergency] RESTORING A LICENSE.

Approved by Revisor _____

~~For-reasons-it-finds-sufficient-and-upon-a-majority-vote-of a-quorum-of-its-members,-the-board-may-reinstate-a-license-that has-been-revoked,-reduce-a-period-of-suspension,-withdraw-a reprimand,-or-otherwise-restore-a-license-to-full-status.~~ A former licensee may have a license restored to full status, have a suspension period reduced, or have a reprimand withdrawn if:

A. the former licensee shows competent evidence of completing required rehabilitation or present fitness to perform required occupational duties; and

B. a majority of a quorum of board members votes to restore the license.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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. any other relevant information the board needs to properly evaluate the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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

Approved
by Revisor _____

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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] 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.

Subp. 2. **Purpose.** The code of ethics constitutes the

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by Revisor _____

standards by which the professional conduct of a licensee is measured.

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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 to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, sex, race, national origin, religion, ~~sex,~~ physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes, sections 363.01 to 364.14. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

A. A licensee shall not engage in any type of sexual activities with a client, as prohibited in Minnesota Statutes, chapter 148A.

Approved
by Revisor _____

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

D. A licensee~~, while offering dignified and reasonable support,~~ 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.

Subp. 4. **Code of personal conduct.** The licensee must ~~value~~ 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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. 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.

D. A licensee shall not use any drug, controlled

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substance, alcoholic beverage, or medication in a manner that impairs the licensee's ability to conduct the practice authorized by license.

E. A licensee must provide professional services to anyone regardless of age, sex, race, national origin, religion, ~~sex, national origin~~ physical handicap, political affiliation, or social or economic status, as required in Minnesota Statutes, sections 363.01 to 364.14. A licensee must also provide professional services to anyone, regardless of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's ~~area~~ level of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of

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services must be maintained to ensure security and confidentiality of clients. Records which personally identify 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn the person or others as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 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 authorized representative.

~~EFFECTIVE DATE.--The effective date of parts 4740.0100 to 4740.0310 {Emergency} is November 1, 1988.~~

Approved by Revisor _____

~~Department of Health~~ Board of Social Work

Adopted Emergency Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact~~ also means direction of social work practice in face-to-face sessions between the supervisor and supervisee.

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Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **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 require the applicant to provide verification and documentation.

Approved
by Revisor _____

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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. Cut-off scores are determined on a nationwide basis.

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the examination at the next scheduled offering of the examination after paying the examination fee. The applicant ~~shall~~ may take

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by Revisor _____

the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board ~~may~~ shall grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

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

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

Approved
by Revisor _____

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the ~~licensee~~ license has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and July 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and ~~July~~ June 1989 must be renewed according to items A and B.

A. A license ending with an odd ~~license~~ number must be initially renewed by July 31 of the ~~first~~ next odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license ending with an even ~~license~~ number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not

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by Revisor _____

relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the ~~initial~~ renewal license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the ~~licensee~~ individual can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the ~~licensee~~ individual passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

~~A licensee~~ An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work.

4740.0230 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

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by Revisor _____

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections ~~148B.18 to 148B.27~~ 148B.05, 148B.26, and 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license 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.

4740.0270 [Emergency] RESTORING A LICENSE.

Approved
by Revisor _____

~~For-reasons-it-finds-sufficient-and-upon-a-majority-vote-of a-quorum-of-its-members,-the-board-may-reinstate-a-license-that has-been-revoked,-reduce-a-period-of-suspension,-withdraw-a reprimand,-or-otherwise-restore-a-license-to-full-status.~~ A former licensee may have a license restored to full status, have a suspension period reduced, or have a reprimand withdrawn if:

A. the former licensee shows competent evidence of completing required rehabilitation or present fitness to perform required occupational duties; and

B. a majority of a quorum of board members votes to restore the license.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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. any other relevant information the board needs to properly evaluate the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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

Approved
by Revisor _____

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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] 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.

Subp. 2. **Purpose.** The code of ethics constitutes the

Approved
by Revisor _____

standards by which the professional conduct of a licensee is measured.

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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 to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, sex, race, national origin, religion, ~~sex,~~ physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes, sections 363.01 to 364.14. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

A. A licensee shall not engage in any type of sexual activities with a client, as prohibited in Minnesota Statutes, chapter 148A.

Approved
by Revisor _____

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

D. A licensee~~, while offering dignified and reasonable support,~~ 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.

Subp. 4. **Code of personal conduct.** The licensee must ~~value~~ 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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. 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.

D. A licensee shall not use any drug, controlled

Approved
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substance, alcoholic beverage, or medication in a manner that impairs the licensee's ability to conduct the practice authorized by license.

E. A licensee must provide professional services to anyone regardless of age, sex, race, national origin, religion, ~~sex, national origin~~ physical handicap, political affiliation, or social or economic status, as required in Minnesota Statutes, sections 363.01 to 364.14. A licensee must also provide professional services to anyone, regardless of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's ~~area~~ level of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of

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services must be maintained to ensure security and confidentiality of clients. Records which personally identify 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn the person or others as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 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 authorized representative.

~~EFFECTIVE-DATE.--The-effective-date-of-parts-4740.0100-to 4740.0310-[Emergency]-is-November-1,-1988.~~

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Emergency Rules Relating to Social Worker Licenses

AGENCY: Board of Social Work

MINNESOTA RULES: Chapter 4740

The attached rules are approved for
filing with the Secretary of State

Kathleen M. Traxler
Assistant Revisor

~~Department of Health~~ Board of Social Work

Adopted Emergency Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact~~ also means direction of social work practice in face-to-face sessions between the supervisor and supervisee.

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Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **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 require the applicant to provide verification and documentation.

Approved
by Revisor _____

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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. Cut-off scores are determined on a nationwide basis.

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the examination at the next scheduled offering of the examination after paying the examination fee. The applicant ~~shall~~ may take

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the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board ~~may~~ shall grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

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

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

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An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the ~~license~~ license has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and July 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and ~~July~~ June 1989 must be renewed according to items A and B.

A. A license ending with an odd ~~license~~ number must be initially renewed by July 31 of the ~~first~~ next odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license ending with an even ~~license~~ number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not

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relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the ~~initial~~ renewal license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the ~~licensee~~ individual can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the ~~licensee~~ individual passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

~~A licensee~~ An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work.

4740.0230 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

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A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections ~~148B.18 to 148B.27~~ 148B.05, 148B.26, and 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license 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.

4740.0270 [Emergency] RESTORING A LICENSE.

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~~For-reasons-it-finds-sufficient-and-upon-a-majority-vote-of a-quorum-of-its-members,-the-board-may-reinstate-a-license-that has-been-revoked,-reduce-a-period-of-suspension,-withdraw-a reprimand,-or-otherwise-restore-a-license-to-full-status.~~ A former licensee may have a license restored to full status, have a suspension period reduced, or have a reprimand withdrawn if:

A. the former licensee shows competent evidence of completing required rehabilitation or present fitness to perform required occupational duties; and

B. a majority of a quorum of board members votes to restore the license.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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. any other relevant information the board needs to properly evaluate the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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

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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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] 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.

Subp. 2. **Purpose.** The code of ethics constitutes the

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standards by which the professional conduct of a licensee is measured.

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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 to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, sex, race, national origin, religion, ~~sex,~~ physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes, sections 363.01 to 364.14. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

A. A licensee shall not engage in any type of sexual activities with a client, as prohibited in Minnesota Statutes, chapter 148A.

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B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

D. A licensee~~, while offering dignified and reasonable support,~~ 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.

Subp. 4. **Code of personal conduct.** The licensee must ~~value~~ 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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends~~.--A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. 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.

D. A licensee shall not use any drug, controlled

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substance, alcoholic beverage, or medication in a manner that impairs the licensee's ability to conduct the practice authorized by license.

E. A licensee must provide professional services to anyone regardless of age, sex, race, national origin, religion, ~~sex, national origin~~ physical handicap, political affiliation, or social or economic status, as required in Minnesota Statutes, sections 363.01 to 364.14. A licensee must also provide professional services to anyone, regardless of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's ~~area~~ level of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of

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services must be maintained to ensure security and confidentiality of clients. Records which personally identify 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn the person or others as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 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 authorized representative.

~~EFFECTIVE-DATE.--The-effective-date-of-parts-4740.0100-to 4740.0310-[Emergency]-is-November-1,-1988.~~

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Emergency Rules Relating to Social Worker Licenses

AGENCY: Board of Social Work

MINNESOTA RULES: Chapter 4740

The attached rules are approved for
filing with the Secretary of State

Kathleen M. Traxler
Assistant Revisor

Rule

p2 lines 29-30
"may accept" - discretionary
"alternative verification" undefined

p2 line 34
"may require" - discretionary

p4 line 11
"Satisfactory verification" - undefined

p5
4740.0190 requires that a license granted between Jan - July, 1989 must be renewed according to 4740.0195. However 4740.0195 address licenses issued between Jan-June, 1989 - What happens to licenses issued in July, 1989

p7 line 12
"may deny" discretionary

p8 line 25
"any other relevant info" - discretionary

Authority
148B.171 &.

Fundamp
There is not a statement re notice when the rule

is submitted to the A.G. However, a notice was mailed.

Fees

Although a statement of need is not required, I think M.S. § 16A.128 subd 2a would still apply. Maybe a memo ~~from~~ from the Board would be applicable?

SOCIAL WORK RULES: PUBLIC COMMENT PERIOD
September 12 - October 6, 1988

NAME	ORGANIZATION	COMMENTS	DATE
1. Joan Riebel, ACSW	Family Alternatives	Compliment on overall rules; said they are clear. Questions: Procedures for App. - Why not ask applicant to send verification of education with application? Ethics Section: Is the Board using NASW's standards since they have spent effort & time developing theirs? - What are sexual relations? Doesn't include innuendo or flirtation. - Fees established at beginning - What about changes of circumstances? Should there be a signed statement? - Sub. 4(D) - "A licensee should provide...", probably should be "shall" provide. - Sub. 4(F) Dual Relationships What about social work being treated as a business and relationships that are necessitated by that?	8/31
2. Edwina Hertzberg, Ph.D.	Assoc. Prof., Dept. of Social Work, Augsberg College	Examination: 47470.0140 part E, line 33 - Suggests use of "may" instead of "shall" regarding applicants retaking a failed examination. Code of Ethics: 4740.0310 - Confidentiality and Keeping Records - Part C - "A licensee shall communicate... warning...." Wonders whether in right place.	9/12

3. Art Noot	Board of Social Ministry	Exceptions to license requirement: Would like to see these exceptions put into the Emergency Rule for clarification and general information.	9/12
4. Tom Schleck	Past Region X Soc. Work Chairman of Freeborn Co. Dept. of Human Services	Supervisor/Supervisee - Use of terms: Suggests these terms archaic. Alternative: Coordinator, Department Chairman, Peer Review - used instead of idea of supervision. Types of Licensees: Inactive etc.: Suggest use of a Life License Plan for people with 10 years experience. Fee Structure: Suggests fees are rather steep. Lists other ways the Board could raise funds, such as: Contracts Merit System, Sale of Reports, Cut Expenses. (Would like a list of expenses.) Further suggests add a (G) Expert Social Worker - 10 years or more experience, practice in all areas, plus no renewal fees. If statute doesn't allow for this, the Board should seek legislation to include this. Code of Ethics - page 10, subd. 2, & page 11, line 23: Suggests that referring to "Affectional Preference" or "Choice of Lifestyle" might be offensive to some agency personnel, and should be left out. Page 10 sub. 3 - Sexual Activities with Former Clients: Suggests this would be held invalid in a court of law. Also feels that professional judgement is the main criteria in setting specific time frames.	9/15

		Page 12, line 12: Suggests a new letter (M) "Professional services and decisions will be made with due understanding of the Agency mission and purpose that a social worker may be affiliated with." Page 13, line 4: Add - "Professional judgement and decision making will be the main factor in the effective implementation of planned standards as set by each social worker.	

PUBLIC COMMENTS September 23 - October 7, 1988

5. Mary Beth Curry	Mn Hospital Association	Use of Title: The Mn Hospi. Assoc. is objecting to the statute's (148B) requirements regarding the use of the title Social Worker. Hospital and nursing home social workers are exempt from the licensure requirement but are not allowed to use the title Hospital Social Worker or Nursing Home Social Worker within the parameters of their job. The statute makes it clear that city, county and state social workers may use the title City Social Worker, etc.	9/29
6. D.R. Bloomquist	Christian Dating Service	The letter and enclosures do not appear to relate to social work licensure. They deal with objections to a billboard with a women in a swim suit, which is described as offensive and immodest.	9/30

7. Tom Hiendlmayer & Kathy Burek	Mn Dept of Health	(page 1, line 33 & 34) 4740.0110 Definitions Subp. 6 Supervision. The phrase "includes regular face to face contact between" seems to require less than the statute--which says supervision means direction of social work practice in face to face sessions. (page 3, lines 31-33) 4740.0140 Examination: Item E. Questions about does AASSWB determine pass/fail score/if not, who does? Not clear in section. If the Board is retaining the right, what are the criteria for determining it? (page 5, lines 15, 25) 4740.0195 Renewal of Licenses Issued in the Transitional Period: Introduction. Suggests we should change July 1988 to June 1988 (on line 15) to be the same as line 25. (page 7, line 33) 4740.0270 Restoring a License: Suggests that "for reasons it finds sufficient" is vague & discretionary - also suggests that language in 4740.0130 Denial of License is clearer as to what criteria the Board will use, and could be used in this section also. (page 10, lines 21, 22) 4740.0310 Ethical Standards Subp. 3 Relations With Clients Item B. Suggests this is written as a warning not a rule. (page 10, line 34-36) 4740.0310 Ethical Standards Subp. 4 Code of Personal	10/5

		Conduct, Introduction. Suggests this is a value and would not be enforceable. (page 11, lines 12, 13) 4740.0310 Ethical Standards Subp.4 Code of Person Conduct, Item B. Suggests this written as a warning not a rule. (page 11, lines 29, 30, & 32) 4740.0310 Ethical Standards Subd. 4 Code of Personal Conduct, Item G. Suggest "dual relationships" and "wrongfully disparage" should be defined.	
8. Lynne Lockie, MSW, ACSW	Mn Society for Clinical Social Work	General comments on rules: Commends the Board for their rules, suggests they look well thought out, and applauded the Board for being open about the process used to develop the Emergency Rules, especially since it included comments from individual social workers. Wants to thank the Board for the time and effort spent on the Board activities and the Emergency Rules.	10/5

9. Jean Searles, MSW	RESA Inc.	(page 9, lines 8-20) 4740.0290 Fees: Suggests that it is unclear about license renewal costs, further that if they are the same as initial fees, it would be a bit steep. Wonders what benefits come with - list of licensees, newsletter, workshops available? (page 10, lines 24-26) 4740.3010 Ethical Standards Subp. 3, Relations with Clients, Item C. Wonders what will happen to her license if during the work period, she authorizes medication and occasionally a single drink for clients (mentally retarded senior citizens). Would like to see this section clarified. General Comments: Wants to know what continuing education requirements are, if any. Plus would like to know if job related education will be approved for continuing ed credits.	10/7

10. Eleanor Weber	Assist. Director, Rules Division, DHS	(page 1, line 35) 4740.0110 Definitions, Subp. 7, Supervisor Question about whether Supervisor has to be licensed, if so, say that. (page 2, lines 5-7) 4740.0110 Subp. 8, Variance Suggests "variance" seems inconsistent. If variance given, licensee is O.K. with Board but not in compliance with rule. (page 2), lines 16-19) Subp. 1, Information Required, Item C Needs clarity about whether institution should send transcript to Board or to Candidate. (page 2, lines 25-29) 4740.0120 Procedures for Application, Subp. 1, Information Required, Item E. Clarify under what situations Board will accept alternative verification. (page 4, line 4) 4740.0150 Reciprocity "The Board may grant" seems inconsistent with 148B. Would be better to cite statute? (page 5, line 17) 4740.0195 Renewal of License Issued in Transitional Period, Item A Provision for odd numbered year renewals unclear, If person is licensed July 1, 89--do they need to renew July 31, 1989 as the first odd # year after the effective date of license. If true, then cost is too high. Also, this part about numbers assigned to licenses seems inconsistent with (page 5, line 1) 4740.0190 Biennial Renewal of License which talks about licenses having numbers assigned to them.

(page 6, lines 6-18) 4740.0210 Inactive License Status
Clarify how long you can stay on Inactive Status. Plus, will the Board require any information about the person's activities during the inactive period when seeking reactivation?

(page 6, lines 21, 26, & 29) 4740.0220 Reinstatement of Expired License, Items A & C.
Should people with expired licenses be referred to as licensees? Also "hardship" needs to be clarified. Clarify whether person with an expired license has to take the exam again.

(page 7, lines 26-31) 4740.0260 Revoked License
Clarify whether "failure to comply" means the Board has freedom to choose to deny or reinstate. Believe it does mean that as it is written.

(page 7, line 33) 4740.0270 Restoring a License Suggest that "finds insufficient" is vague and open to arbitary and inconsistent interpretation. Maybe clarify by refering to statutes or rules.

(page 8, line 12) 4740.0280, Variance, Subp. 1, Item C,
Should add "to protect the public" after "taken." Section should contain a time limit to avoid indefinite.

(pages 9-12) 4740.0300, Code of Ethics General comments on section: standards are identical to a social worker's code of personal conduct--is it necessary? Clarify if these standards apply outside

of employment. Should they?

(page 10, lines 9-11) 4740.0310, Ethical Standards, Subp 1, Responsibility to Clients : The question here is, whom do you report behavior to?

(page 10, line 12) Subpart 2, Nondiscrimination Maybe clarify this by citing statutes relating to nondiscrimination.

(page 10, line 18) Subpart 3, Relations with Clients, Item B. Define "sexual activities: and complete statute citations 148A. Are Items A & B necessary? Should Item A also cite a statute?

(page 10, line 24) Item C: Rewrite to conform with law which permits SW to confiscate controlled substances or alcohol in clients possession.

(page 10, line 27) Item D: This is vague and arbitrary, clarify.

(page 10, line 30) Item E: First sentence unnecessary.

(page 10 lines 34-36) Subpart 4: Code of Personal Conduct: It would stand better without first sentence. Rules regulate what people do, not what they value.

(page 11, lines 7-13) Subpart 4, Items A & B Define "sexual activities" and "sexual harassment".

(page 11 lines 14-17) Subpart 4, Item C: Replace "for a legitimate med. purpose" with "unless prescribed for the

licensee by an individual authorized to prescribe drugs under M.S. Statutes Section 151.37"

(page 11 line 18) Subpart 4: Item D: Put "in a manner" after "medication".

(page 11, lines 20-25) Subpart 4 Item E: Modify to permit professionals to provide specialized services for special populations. Example: chemical dependency or a physical impairment.

(page 11, line 27) Subpart 4, Item F: Insert "financial" after "political". Clarify that only fees for service can change hands.

(page 12, line 1) Subpart 4, Item I: Clarify the term "Area of competence" - implies that SW's specialize, if so, are there standards related to specialties?

(page 12, lines 2-5) Subpart 4, Item J Does this section also apply to students/trainees outside of workplace? If so, is it reasonable? Or should licensee be required to support such claims, to whom?

(page 12, lines 13-16) 4740.0310 Code of Ethics, Subpart 5, Confidentiality, Item A Rephrase to assure that retention of records is not required beyond a certain time. Record destruction is good confidentiality protection.

(page 12, line 17) Subpart 5, Item A Insert "or legal representative, if any" after

client.

(page 12, lines 27-31) Subpart 5, Item C Clarify guidelines here about releasing info to others without client consent. Who determines client behaviors presents a danger? Example: often people with behavioral needs leaving regional treatment centers to communities find that stories have been circulated about dangers. Rewrite more narrow, so people opposed to placement don't have opportunities to sabotage the plan.

(page 13, line 3) 4740.0310 Code of Ethics, Subpart 6, Research Insert after "on the informed consent of the participant," "or the legal representative, if any." Subpart 6 is vague, needs more detail to be enforceable.

GENERAL COMMENT: Rules do not address Continuing Education requirements that are required to be in rule (MS 148B.20).

FAMILY ALTERNATIVES

RECEIVED
AUG 31 1988
Office of Social Work / Mental Health Boards

August 29, 1988

Mary Murphy
Executive Director
Board of S.W. Licensing
Suite 225
2700 University Avenue
St. Paul, MN 55114

Dear Ms. Murphy:

I have reviewed the draft social work licensing rules. Overall, I think they are quite good, leaving me with a pretty clear idea of the licensing rules and the process.

I have a couple of questions:

1) In 4740.0120 Subpart 1.C. Procedures for application. Why not simply ask the applicant to send verification of graduation with the application? It seems that verification from the institution granting the degree is cumbersome at best.

2) Are you utilizing the history and efforts of organizations such as NASW in the creation of ethical standards? (4740.0310) I found this section confusing, unclear and sometimes oversimplified.

   i.e.
   a) Subpart 3A. What are "sexual relations?" Is this only intercourse, frequently called relations, or is it any kind of "relations?"

   b) Subpart 3D. If fees must be arranged at the beginning, what about changes in circumstance? Ought there be a signed statement indicating a clear understanding?

   c) Subpart 4A. Do "sexual activities" include innuendo or flirtation? Ought there to be a separate statement on clients and one for staff, students and trainees?

416 EAST HENNEPIN AVENUE #218 MINNEAPOLIS, MINNESOTA 55414

TELEPHONE (612) 379-5341

d) Subpart 4B. What are "prohibited drugs?"

e) Subpart 4D. "A license should provide "probably ought to be "shall provide".

f) Subpart 4F. Social work has long had a public policy/activist component which professional relationships not only further, but are actually the essence of. What about social work as a business?

I would encourage you to especially work further on this section.

Thank you for your efforts on behalf of this movement toward licensure. It is exciting that it's nearly here.

Sincerely,

Joan Riebel, ACSW

JR/dm

cc: Barbara Kaufman

Augsburg College

731 21ST AVENUE SOUTH
MINNEAPOLIS, MN 55454
612/330-1000

RECEIVED

SEP 13 1988

Office of Social Work / Mental Health Boards

September 9, 1988

Doris Barry, Co-Chairperson
Glenda Dewberry Rooney, Co-Chairperson
Board of Social Work
2700 University Avenue West #225
St. Paul, MN 55114

Gentlepeople:

I have just received a copy of the Proposed Emergency Rules Relating to Social Work Licenses, and appreciate the Committee's work in addressing some of my concerns expressed in an earlier letter. It's looking good! Thanks for all your dedicated efforts.

Just a few comments:

Under 440.0140 E, again I note that "Shall" is used regarding the applicant's taking additional exams. (p.3, line 33; p.4, line 1) It seems to me that "may" would be more appropriate in both instances, inferring permission as opposed to the command impled in "shall". (After all, no one MUST take additional exams, right?!)

Under 4740.0310, Subp 5 C. (p.12, lines 30 and 31) - "A licensee shall communicate information to others without the client's consent." As a sentence, this contradicts the Code of Ehtics. Was it perhaps meant to follow a comma as a part of the preceding sentence? This would clearly change the meaning. Further, again the use of "shall" seems inappropriate. Again, "may" would seem more appropriate.

Again, thank you for your very hard work in developing these emergency rules.

Sincerely,

Edwina Hertzberg

Edwina L. Hertzberg, ACSW, Ph.D.
Associate Professor
Department of Social Work

ELH:tlm

c: Mary Ann Murphy, Executive Director

Board of Social Ministry Foundation
3881 Highland Avenue, St. Paul, Minnesota 55110



A Family of Lutheran Agencies
PHONE 612-426-5013

September 9, 1988

MEMO

To : Mary Ann Murphy

From : Art Noot

Re : Emergency Rules: Board of Social Work

Thank you for sending along the Rule material.

On first reading (and I really don't want to read it again!) I see no reference in the Rule to MS 148B.28: Exceptions to License Requirement.

I believe those statutory exceptions should be in Rule. Absence from the Rule could lead to problems of understanding and interpretation and may result in unnecessary legal & other activity.

Takk.

RECEIVED
SEP 12 1988
Office of Social Work / Mental Health Boards

RECEIVED

SEP 15 1988

Office of Social Work / Mental Health Board

September 13, 1988

Mary Ann Murphy, Executive Director
Minnesota Board of Social Work
2700 University Avenue West, #225
St. Paul, MN 55114

RE: Comments on Proposed Emergency Social Work Licensing Plan

Dear Mrs. Murphy:

I received a copy of the August 30, 1988, proposed rules under the Department of Health for the licensing of social workers on an emergency basis. I would note several areas for your action.

Supervisor and supervision is used frequently. Increasingly this will be become an archaic term. The use of coordinator, department chairman and peer review should be emphasized instead of the idea of supervision.

Increasingly the emphasis in social work will be on associates, junior and senior partner, managing partners and other terms more in line with the high level of responsibilities social workers are engaged in.

On page six, I note there is no indication of a life license plan. Especially for people with more than ten years' experience, this would seem reasonable. My suspicion is that much of the licensing fees are related to revenue raising plans rather than pure responsible licensing.

On page nine, the fee structure outlined seems rather steep. The question arises what other methods of fund raising does this Board have such as contracts with Merit System to help in personnel classification, sale of reports, etc. to raise funds? What plans are there to cut expenses? Can a list of expenses be provided?

On page nine, there also should be a Point G for an expert social worker classification for all social workers with ten or more years' experience so there would be no question about their ability to practice in all areas. They also should qualify for a life license without costly renewals. If the Board feels that this is not within their legal powers, this should be a strong recommenation for specific legislation to authorize this to the next legislature.

minnesota hospital association

representing nonprofit hospitals

September 29, 1988

Ms. Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Avenue West, Suite 225
St. Paul, MN 55114

Dear Ms. Murphy:

The Minnesota Hospital Association (MHA) represents 162 acute care community based hospitals throughout Minnesota. MHA would like to take the opportunity to express a concern relating to the proposed emergency rules for the Minnesota Board of Social Work.

The Social Work Licensure Act exempts hospital, nursing home, and public sector work places from licensure. It makes licensure for these categories of social workers voluntary. The proposed rule implies that hospital, nursing home, and city, county, and state agency social workers would be precluded from using the social worker title. MHA believes that these individuals can, under the law, use the title of social worker within their practice setting. For example, a hospital social worker can use the title of social worker within the confines of the hospital. Outside the hospital, such individuals cannot represent themselves as social workers, unless they are licensed.

To suggest in the rule that social workers practicing in the hospital setting pursuant to the hospital setting exemption, cannot call themselves social workers is the equivalent of suggesting that attorneys practicing in the military at Fort Snelling cannot call themselves lawyers, because Fort Snelling is located in Minnesota and they are not admitted to the Minnesota bar. These lawyers cannot represent themselves to the public as attorneys, but they are entitled to call themselves attorneys within the scope of their practice setting. So too can hospital, nursing home, and public sector social workers not represent themselves to the public as social workers if they are unlicensed. However, within the confines of their practice setting, they do have the lawful right to use the social worker title. This clarification should be make in the rule.

MHA appreciates your consideration of these comments, and looks forward to working with you in the future.

Sincerely,

Mary Beth Curry

Mary Beth Curry
Research Analyst

MBC/al

RECEIVED

OCT 05 1988

Office of Social Work / Mental Health Boards

2221 UNIVERSITY AVENUE SE, SUITE 425 • MINNEAPOLIS, MINNESOTA 55414-3085 • PHONE (612) 331-5571

THOMAS L. JOHNSON
COUNTY ATTORNEY

(612) 348-3091

OFFICE OF THE HENNEPIN COUNTY ATTORNEY
2000 GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487

RECEIVED
SEP 30 1983
Office of Social Work / Mental Health Board

Mr. Daniel Bloomquist
c/o Control Data Corporation
P.O. Box 27123
Minneapolis, MN 55427

Dear Mr. Bloomquist:

This is to acknowledge receipt of your correspondence dated November 10, 19[illegible]. We have no jurisdiction over the matter you raise. If a crime has been committed, jurisdiction would be with the City Attorney's Office in which the billboard is located. Thank you for your communication.

Sincerely,

THOMAS L. JOHNSON
Hennepin County Attorney

TLJ:cm

(Pertaining to the billboard (photo) which NAEGELE imposes on general-public drivers causing public-safety-driving-hazard diversion of attention - with its SALEM (cigarette) red-"swim"-suit-exposed woman lying down having all the nakedness of her bare legs and bare feet and (in some billboard photos) her thigh immodestly and semi-indecently - thus semi-PORNOGRAPHICALLY exposed to plain general-public view...which also causes driver irritation and incentive to engage in both immoral and illegal sexual perversions and commerce in the Twin Cities area, thus directly defiling and harming the entire metro community).

BIBLICALLY-CORRECT DEFINITIONS AND APPLICATIONS PERTAINING TO THE FOLLOWING: "HATE CRIMES," "NON-DISCRIMINATION AS TO RACE, SEX, CREED, RELIGION & SEXUAL ORIENTATION," "AFFIRMATIVE ACTION," "MINORITIES," AND "CIVIL RIGHTS"

REFERENCES:

MATTHEW 17:27 = ...the collectors of the...tax...said, "Does your teacher PAY the TAX?..."Yes"....JESUS (said) ..."From WHOM do KINGS...take TOLL....from THEIR (sons) or from OTHERS?...But (so that WE do) NOT give OFFENSE to THEM....find a shekel...and give it to THEM...
MARK 12:17 = "...Render to (CAESAR) the THINGS that are (CAESAR'S)...."

Even though CHRISTIANS (including NON-maryolatrous-and-MORE Catholics, works-plus-faith-plus-MORE Protestants, NON-Koran-plus-MUCH-more Islamic, etc.) are EXEMPT from being FORCED by GOD to ALWAYS use semi-UNGODLY, TEMPORAL-government TERMINOLOGY, we ALL should "FEAR (not just "respect" but also BE AFRAID OF) the Lord AND the KING, and..NOT DISOBEY EITHER of them" (Prov. 24:21 paraphrase), plus "Be SUBJECT to the GOVERNING AUTHORITIES..." (Romans 13:1) -- by using GOVERNMENT-ordained TERMINOLOGY in AS POSITIVE a sense as POSSIBLE, as MUCH as (legitimately) POSSIBLE.

For example, EVEN THOUGH one (not JUST "may" but) MUST 'DISCRIMINATE' as to WHAT RACE (Negro, chink, honky, whop, dego, Israeli, etc.), WHAT SEX (man OR woman), WHAT RELIGION (sex-orgy-idolatress agnostic, mass-murdering atheist, GOOD-in-BED Christian, etc.) WHAT CREED (anti-semitic Nazi, Sandinista-tyranny Commie, RSV/NKJV-Bible-loving American Republican, etc.) and WHAT SEXUAL ORIENTATION (homo-PERVERT SODOMITE, self-SODOMIZING masturbator, Scripturally-HOT heterosexual, etc.) one's SPOUSE is....and one's RELIGIOUS CONGREGATION is...and one's PUBLIC-SCHOOL (NOT just 'parochial'-school) students are....and one's COMMUNITY RESIDENTS (NOT in 'CORRECTIONAL INSTITUTES' NOR in PSYCHIATRIC CONFINEMENT) are -- one may NOT commit ILLEGAL VIOLATIONS or CRIMES BASED ON or RELATED TO ANY of the ABOVE CLASSIFICATIONS.

One may not UNLAWFULLY (and note the INSERTION of the word 'UNLAWFULLY') BASH a homoqueer (which ILLEGAL retribution would be called ASSAULT-AND-BATTERY, MURDER, etc.). Neither is one ALLOWED to 'RAPE' an (UN-consenting OR consenting) INDECENTLY-exposed AND NON-married STRIP-TEASER (although one may MARRY one and have ULTIMATE consenting sex with a FORMERLY-stripping-in-GENERAL-public-view EXHIBITIONIST). In the SAME WAY, one must NEVER hate a JEW SIMPLY BECAUSE he IS Hebrew (although one SHOULD PATIENTLY H A T E Christ-rejecting Jews as MUCH as Jesus WANTS us to hate, for the TIME BEING, ALL sinners who should KNOW BETTER).

WE are PROHIBITED from SLANDERING anyone -- but this OBVIOUSLY does NOT include PERHAPS-embarrassing PREACHING in the HEARING of those with homo-PERVERT sexual "orientations," nor mailing JUDGMENTAL letters to THEM (NOT innocent SUBSTITUTES) and their EMPLOYERS, RELATIVES, etc. about their BIBLIO-phobic MENTAL SICKNESS, etc. What 'SLANDER' is is to CALL someone a HOMO IF that one CALLED is ACTUALLY NOT a HOMO-queer.

As far as KILLING non-FETUS/CHILD convicts go, LAWFUL EXECUTIONERS in PRISONS (THESE NOT properly termed "correctional institutions") should do THAT job as MUCH as POSSIBLE. Let's ALL be PRO-CHOICE for ANTI-abortionists, PRO-CHOICE for DEATH through CAPITAL PUNISHMENT, and PRO-CHOICE AGAINST abortion-HOMICIDE -- NOT exclusively PRO-LIFE, being that we are PRO-EXECUTION against UN-reasonably-continuous, IM-penitent, serious-offense CRIMINALS!

There MUST be 'AFFIRMATIVE ACTION' supporting the RIGHT (NOT merely 'capacity') of CHRISTIANS O N L Y to DO what was PREVIOUSLY MENTIONED.

CHRISTIAN BUSINESS and EMPLOYMENT practices should NOT be CHILLED by DISTRICT-court REPRESSION of GOD-REQUIRED LIBERTIES and 1ST-AMENDMENT CONSTITUTIONAL-RIGHT FREEDOM.

CHRISTIANS (as opposed to ACLU/PAW/NOW 'Jews who SAY that they are Jews and are NOT, but LIE, and INSTEAD are a SYNAGOGUE of SATAN per Rev. 2:9 & 3:9; and as OPPOSED to ILLEGAL homo-SODOMITES, massage-harlot FORNICATORS, INDECENT-exposure PORN glamor-models, COMMUNIST anti-semites, etc.) should be PROPERLY JUSTIFIED, so that THEY are not discriminated AGAINST, but rather FOR!

PROPOSED CHRISTIAN SENTENCING GUIDELINES
FOR FEDERAL AND STATE GOVERNMENTS
PERTAINING TO CRIMES OF INDECENT EXPOSURE OF NUDITY

1. NEWBORN INFANTS are ALLOWED to present THEMSELVES (TOTALLY) NUDE at the WOMB in view of MIDWIVES (NOT male gynos and OBs), and SUCK (bare) ADULT-female HUMAN BREASTS.

2. INDECENT exposure of NUDITY does NOT consist of a HUMAN being SHOWERING or BATHING nude ALONE (or with SPOUSE alone), nor COVERING their FEET (DEFECATING) or URINATING ALONE by THEMSELVES or with THEIR OWN SPOUSE or in a SAME-sex lavatory, nor while LAYING WITH and GOING IN TO (their OWN) SPOUSE in PRIVATE, ETC.

3. INDECENT exposure of (human) nudity (or SEMI-nudity) consists of EXPOSING or HAVING EXPOSED UNPRESENTABLE human-body parts in GENERAL-public view (with the word "GENERAL" meaning the VIEW or ACTIVELY-potential view of ANYONE other than ONESSELF, INCLUDING parents, but NOT including one's OWN SPOUSE in PRIVATE).

4. "UNPRESENTABLE" body parts include:

(a) PRIMARY unpresentable (outer) PRIVATE parts (such as MAJOR-area adult-FEMALE BREAST or BREASTS, MAJOR-area MALE (or female) BUTTOCKS, and/or male or female GENITALIA or CLOSELY-LOCATED PUBIC area, and

(b) SECONDARY unpresentable parts (such as EVERY EXTERNAL male and ESPECIALLY female body part OTHER than FACE and HANDS -- including (bare) SHOULDERS, BACK, CHEST, ARMS, BELLY, ABDOMEN, THIGHS, LEGS and FEET).

5. ARRESTS for exposing SECONDARY unpresentable parts are to be made by POLICE ONLY; whereas CITIZEN'S ARRESTS can ALSO be made for exposing PRIMARY unpresentable parts.

6. ALL FIRST-time-offender arrests for SECONDARY unpresentable-part INDECENT exposure involve within-3-day PAYMENTS of FINES RANGING from $10 to $150 depending upon the TYPE and DEGREE of offense (OR from 10 to 60 DAYS in the WORKHOUSE if the convict cannot AFFORD fine payment)....and FIRST-time-offender arrests for PRIMARY unpresentable-part INDECENT exposure involve payment of FINES RANGING from $200 to $700 depending upon the TYPE and SEVERITY of offense (OR from 3 MONTHS to 1 YEAR in the WORKHOUSE).

In BOTH cases ABOVE, there is NO PROBATION, nor MENTAL-INSANITY-defense, nor PLEA-BARGAIN STAYS of punishment ALLOWED.

7. ALL FIRST-time-offense criminals are asked by the JUDGE in COURT AFTER sentence is declared, a THREE-part question which determines if a FINE is SUFFICIENT for punishment, OR if the UNREPENTANT criminal should IN ADDITION be PUT into a CORRECTIONAL-institute PRISON for SECOND-offense-DURATION-SIMILAR CONFINEMENT:

A. Do YOU admit that YOU did the ACT you WERE ARRESTED for?
B. Do YOU admit that the ACT you were arrested because of WAS a CRIME?
C. Do YOU NOW INTEND to EVER do a SIMILAR crime AGAIN?

IF the FIRST-time-offense criminal answers ANY of the above THREE PARTS to THE question INCORRECTLY, he or she incurs (FURTHER) CONFINEMENT in a CORRECTIONAL-institute PRISON for a PERIOD of UP TO but NO MORE THAN 7 YEARS, depending upon the KIND and SEVERITY of the indecent-exposure VIOLATION.

8. ALL SECOND-time-offense criminals (arrested for ANOTHER (primary) or (secondary) indecent-exposure crime) incur AUTOMATIC PRISON terms RANGING from 1 YEAR UP TO but NO MORE THAN 7 YEARS - DEPENDING upon the TYPE and SEVERITY of the crime - with NO PROBATION, MENTAL-INSANITY defense, PLEA-BARGAINS nor PAROLE ALLOWED.

9. SIMILARLY to #7 above, ALL SECOND-time-offense criminals are asked by the JUDGE in COURT AFTER sentence is declared the SAME THREE-part QUESTION, which determines if INCARCERATION is SUFFICIENT for punishment, or if the criminal MUST be EXECUTED. If ANY of the THREE parts of that question is answered INCORRECTLY, the convict MUST select one of FOUR types of EXECUTION, or ONE of these will be APPOINTED to him or her by the JUDGE: HANGING, FIRING SQUAD, LETHAL INJECTION, or ELECTROCUTION. Under NO circumstances will ANY execution be STAYED, but rather will be CARRIED OUT within THREE (3) DAYS.

ATHLETIC SHORTS, OR SUPPORTERS?

I noticed that for the Olympic women's diving, gynmastics, and swimming competitions, the teen-aged young women (capable of sexual reproduction, and thus not correctly called "girls," "little girls," nor "minors") competed with the complete nakedness of their legs and feet exposed to general-public view. The sights were rather stimulating erotically, and almost lust-inciting enough to self-sodomizingly masturbate to (in violation against I Cor. 6:9-10 in the NKJV Bible) -- particularly when watching their bizarre, athletically-coordinated twisting, bending, spreading and flipping while so semi-naked.

If they plan to continue to intentionally mis-dress that way for mixed-sex, general-public viewing, I do not understand why nor like it that the young women don't perform completely naked - from the tops of their heads to the soles of their feet. TV-viewer ratings would skyrocket, as would advertising revenue. Besides, it is repressive and disgusting to suffer the fact of having the skin of their rear ends, crotch and breasts being hidden from view by tight-fitting, opaque costumes, for as the Bible says: "Because you are lukewarm, and neither hot nor cold, I will spew you out of my mouth" (Rev. 3:16). And part of I Tim. 4:4 adds: "...nothing is to be refused if it is received with thanksgiving..." That, of course, would most certainly include the intense, powerful, wonderful beauty of total human adult-female nudity, as sunbathing naturalists would cheerfully agree.

However, there are those who think that full-body athletic nakedness is unusual. As Paul stated in Romans 14:14: "I know and am convinced of the Lord Jesus that there is nothing unclean by itself; but to him who considers anything to be unclean, to him it is unclean."

So even though "Adam and his wife were naked and were not ashamed" (Gen. 2:25), "God clothed them" with much more than fig leaves (Gen. 3:21). Thus, although we occasionally sunbathe naked (I Sam. 19:24), and may "lie all night naked without clothing..." (Job 24:7), frequently walk around "naked and barefoot, with buttocks uncovered..." (Is. 20:4) as Isaiah did, we have a mission from God to "cover the naked" (Is. 58:7, Matt. 25:36-44) and clothe ourselves so that "we may not be found naked," being that we "do not desire to be unclothed" (II Cor. 5:2-4).

It is now God's will to "keep the shame of your nakedness from being seen" (Rev. 3:18), lest nakedness is immodestly and indecently uncovered (as it is in pornography) and exposed, whether amongst relatives (Lev. 18:6-19, 20:11-21 KJV or NKJV or RSV only, not the here-inaccurate and incorrect TEV nor NIV), or out in general-public view (I Sam. 20:30, Is. 47:3, Lam. 1:18, Ezek. 16:8, Hosea 2:9, Micah 1:11, Nahum 3:5) and especially if nude in private with a public harlot (Ezek. 16:36-37, 23:18,29).

So, for co-ed TV audiences, loose-fitting gym sweaters and slacks with socks and tennis shoes should be consistently worn. Even frogman suits for co-ed female swimmers are too tightly revealing, so instead closed-circuit televising is for nude or near-nude male-only and female-only audiences.

HOW EXPLICIT SHOULD PUBLIC SEX-EDUCATION LECTURES BE REGARDING WORDS USED TO DESCRIBE HUMAN BODY PARTS, ACCORDING TO A PROPERLY-TRANSLATED BIBLE?

Reference Works:

I The NEW KING JAMES VERSION (NKJV) Holy Bible (Nelson)
II The REVISED STANDARD VERSION (RSV) Bible (Nelson)
III The Strong-Code-Numbered INTERLINEAR HEBREW-ENGLISH BIBLE
IV The ANALYTICAL HEBREW & CHALDEE LEXICON of Davidson
V The NEW BROWN-DRIVER-BRIGGS-GESENIUS HEBREW-ENGLISH LEXICON
VI STRONG'S Code-Numbered DICTIONARY OF HEBREW WORDS
VII A CONCISE HEBREW & ARAMAIC LEXICON OF THE OLD TESTAMENT

NOTE: I will not state what (incorrect) OVERLY-explicit (thus PORNOGRAPHIC) or UNDERLY-explicit (thus PRUDISH) terms are used in familiar translations (such as the NKJV, KJV, RSV, NASB, NIV, NASB, NEB, TEV, etc.) -- but rather will just state what I now regard as only ACCEPTABLE and DECENT wording.

Incidently, there ARE errors in the two BEST Bible translations. The MOST BLATANT New-Testament MIS-translation in BOTH the NKJV and RSV is ONLY rendered CORRECTLY in the (ARCHAIC) King James Version. It pertains to the KJV words: "...younger WOMEN..." in I Timothy 5:14!

PROOF for this is in the PRECISE, EXACT translation of the Greek-manuscript GREEK word for 'YOUNGER WOMEN' itself -- whether one utilizes the (Trinitarian) inerrant RECEIVED TEXT, or the (incomplete) Nestle Greek text.

BOTH the NKJV and RSV should have used the word "FOOTSTEPS" for Song of Solomon 7:1. And BOTH the NKJV and RSV have something WRONG with their renditions of Isaiah 47:2, which SHOULD read: "...UNCOVER YOUR LEG..."!

The following is a short listing of CORRECT words or phrases in either (but NOT both) the NKJV or RSV, plus the CORRECTLY-translated English word in EACH case is indicated:

1. GENESIS 3:16 - (The NKJV only is correct, reading: "I will greatly multiply...your CONCEPTION...")
2. NUMBERS 5:18 - (The NKJV only is correct, reading: "The priest shall....UNCOVER HER HEAD....")
3. II SAMUEL 13:18 - (The RSV alone is PARTLY correct, and SHOULD read: "Now she wore a LONG-sleeved LONG robe...")
4. PROVERBS 5:19 - (The NKJV alone is correct, reading: "Let her BREASTS satisfy you...")
5. SONG OF SOLOMON 7:5 - (The RSV alone is correct, reading: "...your FLOWING LOCKS are like purple...")
6. ISAIAH 7:20 - (The RSV alone is correct, reading: "...the Lord will shave...the hair of the FEET...")
7. JEREMIAH 2:25 - (The NKJV is SOMEWHAT correct, and SHOULD read: "KEEP your FOOT from being unshod...").

D R BLOOMQUIST
P.O. Box 27123
Minneapolis, MN 55427

Emergency Rules

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Health

Proposed Emergency Rules Relating to Social Worker Licenses

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the State Board of Social Work (Board) intends to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes,* 1987, Chapter 148B.171 and 148B.18 to 148B.28. The Board, in adopting the rules is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, sections 14.29 to 14.36.

All persons have 25 days after publication in which to submit comment in support of or in opposition to the proposed rules, or any part or subpart of the rules, in writing. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any comments must be submitted to:

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Avenue West, Suite 225
St. Paul, MN 55114
(612) 643-2587

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed emergency rules is attached to this notice.

A free copy of the proposed emergency rules is available upon request from Mary Ann Murphy at the above mentioned address or phone number, or from the:

Office of Social Work and Mental Health Boards
2700 University Avenue West, Suite 225
St. Paul, MN 55114
(612) 643-2580

Upon adoption of the emergency rules by the Board, the rules and the supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mary Ann Murphy, at the above mentioned address.

The emergency rule will take effect five working days after approval by the Attorney General and will be effective for 180 days.

~~QQ.~~ SS. 2,4,5-Trichlorophenol, 95-95-4, F027;

~~RR.~~ TT. 2,4,6-Trichlorophenol, 88-06-2, F027;

~~SS. 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)~~ UU. 2,4,5-T, 93-76-5, F027;

~~TT.~~ VV. Trichloropropane, not otherwise specified in this list, ~~.....~~ 25735-29-9, ...;

~~UU.~~ WW. 1,2,3-Trichloropropane, 96-18-4, ...;

~~VV.~~ XX. 0,0,0-Triethyl phosphorothioate, 126-68-1, ...;

~~WW. sym~~ YY. 1,3,5-Trinitrobenzene, 99-35-4, U234;

~~XX.~~ ZZ. Tris(1-azridinyl)phosphine sulfide, 52-24-4, ...;

~~YY.~~ AAA. Tris(2,3-dibromopropyl) phosphate, 126-72-7, U235; and

~~ZZ.~~ BBB. Trypan blue, 72-57-1, U236.

Subp. 20. **"U" constituents.** Hazardous constituents beginning with the letter U are as follows:

~~A.~~ Uracil mustard, 66-75-1; ~~and~~

~~B. Undecamethylenediamine,N,N' bis(2 chlorobenzyl) , dihydrochloride, 2056 25 9,~~ U237.

Subp. 21. **"V" constituents.** Hazardous constituents beginning with the letter V are as follows:

A. Vanadium pentoxide, 1314-62-1, P120; and

B. Vinyl chloride, 75-01-4, U043.

Subp. 22. **"W" constituents.** Hazardous constituents beginning with the letter W are as follows:

A. Warfarin, when present at concentrations less than 0.3 percent, 81-81-2, U248;

B. Warfarin, when present at concentrations greater than 0.3 percent, 81-81-2, P001;

C. Warfarin salts, when present at concentrations less than 0.3 percent, ..., U248; and

D. Warfarin salts, when present at concentrations greater than 0.3 percent, ..., P001.

Subp. 23. **"Z" constituents.** Hazardous constituents beginning with the letter Z are as follows:

A. Zinc cyanide, 557-21-1, P121; ~~and~~

B. Zinc phosphide, when present at concentrations greater than ten percent, 1314-84-7, P122; and

C. Zinc phosphide, when present at concentrations of ten percent or less, 1314-84-7, U249.

7045.0143 GROUNDWATER PROTECTION HAZARDOUS CONSTITUENTS LIST.

Subp. 5. **"D" constituents.** Hazardous constituents beginning with the letter D are as follows:

L. o-Dichlorobenzene, 95-50-1;

Pollution Control Agency

Adopted Permanent Rules Relating to Low-Level Radioactive Waste Generator Fees

The rule proposed and published at *State Register*, Volume 12, Number 46, pages 2500-2501, May 16, 1988 (12 S.R. 2500) is adopted as proposed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

MINNEAPOLIS PSYCHIATRIC INSTITUTE

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H. Berit Midelfort, M.D.
Iris C. Butler, Ph.D., L.C.P.
Timothy Gibbs, M.D.

September 30, 1988

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Ave. W.
Suite 225
St. Paul, MN 55114

Dear Ms. Murphy:

I would like to commend you for the emergency rules that the Social Work Board has promulgated. They look very well thought out, and I am sure that if glitches come up in the months and years to come, they will be easily remedied.

I also wish to commend you and the Board of Social Work for being open to comments from individual social workers as well as from members of the Minnesota Coalition for Licensure of Social Workers.

Having served as the social work member of the Minnesota Task Force to Study the Unregulated Professions, I have an immense appreciation for the amount of time and effort that you have all put in as members of the Board of Social Work, and I would like to thank each and every one of you for this time well-spent. We have all worked long and hard together to achieve licensure of social workers in Minnesota. The Emergency Rules that you have promulgated are one more testament to our ability to work together to complete efficacious, ethical, and intelligent documents.

Sincerely,

Lynne Lockie

Lynne Lockie, MSW/ACSW
Board Certified Diplomate in Clinical Social Work
President, Minnesota Society for Clinical Social Work

LL:MTS:skc

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OCT 05 1988

Office of Social Work / Mental Health Boards

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : Health

DATE : October 5, 1988

TO : Mary Ann Murphy
Executive Director, Board of Social Work

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OCT 05 1988
Office of Social Work/Mental Health Board

FROM : Tom Hiendlmayr TH
Director, Health Occupations Program

PHONE : 623-5185

SUBJECT : Comments on Proposed Emergency Rules for the Board of Social Work

Thank you for the opportunity to comment on the proposed emergency rules for the Board of Social Work. Kathy Burek and I reviewed the proposed emergency rules and have the following comments:

Page 1, lines 33 and 34: The phrase "includes regular face-to-face contact between the supervisor and supervisee" seems to require less than the statute which says "'Supervision' means the direction of social work practice in face-to-face sessions."

Page 3, lines 31-33: Does ASCWB determine what constitutes failure on the examination? If not, who does? Part 4740.0140 does not clearly indicate whether the Social Work Board is delegating this determination or retaining it. If the Board is retaining it, how certain or variable are the criteria for determining pass/fail?

Page 5, lines 15 and 25: Should "June" on line 25 be "July" to correspond to the dates on line 15?

Page 7, line 33: The phrase "For reasons it finds sufficient..." is very vague and discretionary. The language providing for reconsideration of denial of a license in Part 4740.0130 is clearer as to what criteria the Board will apply in reconsidering an application for a license. Part 4740.0270 should identify the factors the Board will consider in a decision to reinstate a license.

Page 10, lines 22 and 23: The sentence is written as a warning, not a rule. Also page 11, lines 12 and 13.

Page 10, lines 34-36: Statement of values would not be enforceable.

Page 11, lines 29-30 and line 32: "Dual relationships" should be defined, and "wrongfully disparage" should be defined.

Please notify me when the emergency rules are submitted to the Attorney General.

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Office of Social Work / Mental Health Board

October 5, 1988

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Ave. W., #225
St. Paul, Minn. 55114

Dear Ms. Murphy:

The following are comments and suggestions concerning the proposed Social Work Licensing Rule.

Page 9, Fees. It is not clear whether the initial license fee is charged each time the license is renewed. Is this only the initial license? If it is charged each time, it seems a bit steep, teachers are only charged a $25.00 fee to renew their certificate. If the fee remains this high, are there any benefits that come with it, such as a directory of those licensed, a newsletter, updates on continuing workshops available, etc.?

Page 10. C. I direct a group home for people with mental retardation, who are also senior citizens. We must administer medications prescribed by a physician and people living there are approved by their physician to have a single drink, sometimes, if they wish. On occasion, there may be a situation where I might have an alcoholic beverage with a client, such as at a holiday event or party. For example, I have had clients to my home on Christmas Eve and we have had a glass of wine. I have not driven them anyplace, which our policies prohibit, and the amount is limited to what their physician has approved. Would I be in jeoprody of losing my license under the proposed standard? This must be clarified, lest an over-zealous Licensing Board member in the future interpret the standard as it is written. I could also lose my license for requiring staff to administer medications prescribed. I don't think this is your intent, but having dealt with numerous regulators as an agency, I have seen what interpretations individual surveyors can make on their own.

General questions. What are the continuing education requirments for licensure? Will the Board approve continuing education which relates to fulfilling ones job that do not necessarily relate specifically to social work? Will we be sent guidelines?

Please let me know if you have any questions concerning the above comments. My telephone number is 933-3348.

Thank you for the opportunity to review the rule.

Sincerely,
Jean Searles, M.S.W. Jean Searles

38 SEVENTH AVENUE NORTH HOPKINS, MINNESOTA 55343 933-3348

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3816

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OCT 06 1988
Office of Social Work / Mental Health Boards

October 6, 1988

Ms. Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Avenue West, #225
St. Paul, MN 55114

Dear Ms. Murphy:

I forward for consideration staff comments received by the Rules Division of the Department of Human Services concerning the proposed emergency rules of the Board of Social Work, Minnesota Rules, parts 4740.0100 to 4740.0370.

I am available at 297 4301 if I can assist your review of these comments.

Sincerely yours,

Eleanor Weber

Eleanor Weber
Assistant Director
Rules Division

DEPARTMENT OF HUMAN SERVICES

10-06-88

COMMENTS ON PROPOSED RULE PARTS 4740.0100 to 4740.0370 (EMERGENCY)
RELATING TO SOCIAL WORKER LICENSES

Part	Page	Comment
0110	1	Does a supervisor as defined in subpart 7 have to be licensed as opposed to meeting the requirements for licensing? If so, say so.
0110	2	The definition of "variance" in subpart 8 seems inconsistent with the fact that a variance is permission to not comply with a rule as written. If the board gives permission to do something other than what the rule requires, the entity receiving the permission is in compliance with the board but is not in compliance with the rule.
0120	2	Clarify whether the intent of the provision in subpart 1, item C is to require the transcripts to be sent by the institution itself to the board office or to permit the applicant to obtain the transcript from the institution and to mail it to the board office.
0120	2	Item E. Clarify under what situations the board will accept alternate verification.
0150	4	Minnesota Statutes, section 148B.24 states that the board "shall" issue a license if the requirements of the state where the individual is currently licensed are substantially similar to Minnesota's requirements. Therefore, the word "may" seems inconsistent with statute. Rather than paraphrasing the statute, it would be better to cite it in this part.
0195	5	This provision is unclear for odd numbered licenses. If license issued by July 1, 1989, must applicant renew by July 31? If so, it is too costly for some. Furthermore, this part which assigns number to licenses seems inconsistent with line 1 of page 5 which talks about "licensee has been assigned a number."
0210	6	Clarify how long a license may be on inactive status.
0210	6	Will the board require any information about the person's activities during the inactive period when a person seeks license reactivation?
0220	6	It seems inappropriate to refer to a person whose license has expired as a licensee. (See also line 3 of page 6.) Also, clarify whether a person whose license has expired has to take, and must pass, another examintaion. Clarify "hardship".

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0260	7	Clarify whether "failure to comply with this part constitutes grounds for the denial..." means the board has the freedom to choose whether to deny or to reinstate. We believe as it is written the board has the freedom to choose.
0270	7	The phrase "finds insufficient" is vague and thus appears open arbitrary and inconsistent interpretation. Clarify it interpretation, for example, by referring to the rules or statutes.
0280	8	In item C of subpart 1 and item B of subpart 2, add the phrase "to protect the public" after "taken". The provisions about variances granted by the board should contain a maximum time period so that it will not be indefinite.
0300	9-12	These standards are identical in some respects to a social worker's code of personal conduct. Is this necessary? Clarify whether these standards also apply to actions outside of employment. Should they?
0310	10	In lines 9 to 11, clarify whose practices the licensee must protect the public against. To whom, does the licensee report these practices?
0310	10	It would be helpful to clarify subpart 2 by citing the statutes related to non-discrimination.
0310	10	In subpart 3: item B, define "sexual activities" and complete the section citation from Chapter 148A. Are both item A and B necessary? Should item A also refer to a statute? ..... item D, this item is vague and open to arbitray interpretation. Clarify its meaning. ..... item E, the first sentence is unnecessary. ..... item C, rewrite to conform with law which permits social worker to confiscate controlled substances or alcohol in client's possession.
0310	10	Subpart 4 would stand better without the first sentence. Rules regulate what people do, not what they value.
0310	11	In line 18, after "medication", insert "in a manner"
0310	11	Subpart 4 , items A and B also use term "sexual activities". Define it and the term "sexual harassment".
0310	11	Subpart 4, item C, replace "for a legitimate medical purpose" with "unless prescribed for the licensee by an individual authorized to prescribe drugs under Minnesota Statutes, section 151.37."
0310	11	Subpart 4, item E should be modified to permit professionals to provide specialized services for special populations, for example, persons with chemical dependency or a physical impairment such as a hearing impairment.

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0310 11 In item F after "political", insert "financial: the prohibition should not be limited to business gains; clarify that only fees for service can change hands

0310 11 Subpart 4, item I, clarify the term "area of competence." It implies that social workers sepcialize. If so, are there standards related to specialties?

0310 12 Subpart 4, item J seems to imply that licensee can control student's/trainee's claims. This may be true while student/trainee is on the job but does this apply outside of the workplace? If so, is it a reasonable requirement? Or should licensee be required to report such claims? If so, to whom?

0310 12 In line 14, rephrase to assure that retention of records is not required beyond a certain time. Record destruction is good confidentiality protection.

0310 12 Subpart 5, item A at line 17, insert after "client", "or legal representative, if any,"

0310 12 Subpart 5, item C: Clarify the guidelines in this section about about releasing information to others without client's consent. Who will determine that an individual with behavioral needs may present such a danger that any information about them can be communicated without their consent? For example, often people with behavioral needs who leave the regional treatment center and go into the community find that the community is very opposed to the situation because stories have been circulating about the dangers. This section needs to be re-written more narrowly so that individuals opposed to the placement do not have the opportunity to sabotage the plan.

0310 13 In line 3 on page 13, insert after "...on the informed consent of the participant," or the legal representative, if any." Subpart 6 seems to be vague. It needs more detail to be enforceable.

Minnesota Statutes, section 148B.20, subdivision 1, clause (b) requires the rule to establish standards and methods of determining whether applicants and licensees are qualified and to provide the requirements for continuing education. The rule does not address these components that statutes require to be in rule.

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OCT 06 1988

Office of Social Work / Mental Health Board

OFFICE OF SOCIAL WORK
AND MENTAL HEALTH BOARDS

2700 University Avenue W. #225 • St. Paul, MN 55114 • 612/643-2580

November 23, 1988

The Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
Saint Paul, MN 55155
Telephone: 612-296-9715

Dear Sir/Madam:

This transmittal letter is to inform you that the Board of Social Work is formally resubmitting their proposed emergency rules as reviewed by Robert Holley of the Attorney General's Office.

If you have any questions, please feel free to call me at 643-2587.

Sincerely,

Mary Ann Murphy

Mary Ann Murphy
Executive Director
Board of Social Work

OFFICE OF SOCIAL WORK
AND MENTAL HEALTH BOARDS

2700 University Avenue W. #225 • St. Paul, MN 55114 • 612/643-2580

November 22, 1988

The Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
Saint Paul, MN 55155
Telephone: 612-296-9715

Dear Sir/Madam:

This transmittal letter is to inform you that the Board of Social Work is formally withdrawing their emergency rules as reviewed by Robert Holley of the Attorney General's Office.

If you have any questions, please feel free to call me at 643-2587.

Sincerely,

Mary Ann Murphy

Mary Ann Murphy
Executive Director
Board of Social Work

~~Department of Health~~ Board of Social Work

Adopted Emergency Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact~~ also means direction of social work practice in face-to-face sessions between the supervisor and supervisee.

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Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional, such as, but not limited to, an agency director, a consulting supervisor, a school principal, or a nursing home administrator, whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **Verification; board authority.** An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application.

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The board may require the applicant to provide verification and documentation.

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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. <u>Cut-off scores are determined on a nationwide basis.</u>

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the

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examination at the next scheduled offering of the examination after paying the examination fee. The applicant ~~shall~~ may take the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board ~~may~~ shall grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

A licensee must prominently display the license issued by

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the board at the licensee's place of employment or practice.

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the ~~licensee~~ license has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and ~~July~~ June 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and ~~July~~ June 1989 must be renewed according to items A and B.

A. A license ending with an odd ~~license~~ number must be initially renewed by July 31 of the ~~first~~ next odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license ending with an even ~~license~~ number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days

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before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the ~~initial~~ renewal license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the ~~licensee~~ individual can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the ~~licensee~~ individual passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

~~A licensee~~ An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work.

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4740.0230 [Emergency] 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 within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections ~~148B.18 to 148B.27~~ 148B.05, 148B.26, and 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license 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.

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4740.0270 [Emergency] RESTORING A LICENSE.

~~For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.~~ A former licensee may have a license restored to full status, have a suspension period reduced, or have a reprimand withdrawn if:

A. the former licensee shows competent evidence of completing required rehabilitation or present fitness to perform required occupational duties; and

B. a majority of a quorum of board members votes to restore the license.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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. ~~any other relevant information the board needs to properly evaluate the request for a variance~~ additional information that the board requests from the applicant, that relates to the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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

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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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] CODE OF ETHICS.

Subpart 1. **Code of ethics.** The code of ethics applies to the licensees and applicants who practice social work and

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applies to their conduct during the period of education, training, and employment which is required for licensure.

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

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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 to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, sex, race, national origin, religion, ~~sex,~~ physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes, sections 363.01 to 364.14. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

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A. A licensee shall not engage in any type of sexual activities with a client, as prohibited in Minnesota Statutes, chapter 148A.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. ~~A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

D. A licensee, ~~while offering dignified and reasonable support,~~ 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.

Subp. 4. **Code of personal conduct.** The licensee must ~~value~~ 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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. ~~A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not use or possess prohibited

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drugs as they are defined in Minnesota Statutes, chapter 152, unless prescribed for a legitimate medical purpose.

D. 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.

E. A licensee must provide professional services to anyone regardless of age, sex, race, national origin, religion, ~~sex, national origin~~ physical handicap, political affiliation, or social or economic status, as required in Minnesota Statutes, sections 363.01 to 364.14. A licensee must also provide professional services to anyone, regardless of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's ~~area~~ level of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to

Approved by Revisor _____

4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of services must be maintained to ensure security and confidentiality of clients. Records which personally identify 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; or

(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn the person or others as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

Subp. 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 authorized representative.

~~EFFECTIVE DATE.--The effective date of parts 4740.0100 to 4740.0310 [Emergency] is November 1, 1988.~~

Approved by Revisor _____

~~Department of Health~~ Board of Social Work

Adopted Emergency Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 [Emergency] PURPOSE.

Parts 4740.0100 to 4740.0310 [Emergency] protect the public by setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 [Emergency] contain procedures and guidelines for licensing social workers.

4740.0110 [Emergency] DEFINITIONS.

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

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Board of Social Work created in Minnesota Statutes, section 148B.19.

Subp. 4. **Licensee.** "Licensee" means a person with a license from the Board of Social Work.

Subp. 5. **Supervisee.** "Supervisee" means an individual who is engaged in supervised, postgraduate experience under the direction of a supervisor.

Subp. 6. **Supervision.** "Supervision" means taking professional responsibility for training, work experience, and performance in the practice of social work of a supervisee. Supervision ~~includes planning for and evaluating the work performance of the supervisee, and includes regular face-to-face contact~~ also means direction of social work practice in face-to-face sessions between the supervisor and supervisee.

Approved by Revisor KMT

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under Minnesota Statutes, section 148B.21, or another qualified professional, such as, but not limited to, an agency director, a consulting supervisor, a school principal, or a nursing home administrator, whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

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 4740.0290 [Emergency], payable to the board.

C. Official copies of transcripts of all postsecondary education of the applicant including verification of the degree granted, sent directly to the board office from the institution granting the degree.

D. Where applicable, verification of two years' experience in the practice of social work. As part of the two-year requirement, submit verification of two years' supervised experience, and if required, two years' post masters experience.

E. Submit a form provided by the board signed by the applicant's supervisor that states that the requirements for supervision have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision.

Subp. 2. **Verification; board authority.** An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application.

Approved
by Revisor _____

The board may require the applicant to provide verification and documentation.

4740.0130 [Emergency] DENIAL OF LICENSE.

If an applicant fails to meet the requirements in Minnesota Statutes, section 148B.21, or 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 to C.

A. The board shall notify the applicant, in writing, of the denial and the reason for the denial.

B. Within 60 days after the date of the notice of denial, the applicant may request the board to reconsider its decision. Minnesota Statutes, chapter 14, contested case hearings procedures shall not apply to the reconsideration process. A request for reconsideration must be in writing and must include supporting documents. If, after a reconsideration, the board denies the application, that application is closed. However, the applicant may submit a new application, fee, and new documents, if the grounds for denial are remedied.

C. An application submitted following denial is a new application which must be accompanied by the appropriate fee in part 4740.0290 [Emergency].

4740.0140 [Emergency] EXAMINATION.

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

B. 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. <u>Cut-off scores are determined on a nationwide basis.</u>

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

D. The board shall notify applicants, in writing, of the time and place of the examination.

E. An applicant who fails an examination may take the

Approved by Revisor _____

examination at the next scheduled offering of the examination after paying the examination fee. The applicant ~~shall~~ may take the examination only one additional time within the year following the original examination. If the applicant fails the additional examination, the applicant shall take only one examination per year after failing the additional examination.

4740.0150 [Emergency] RECIPROCITY.

The board ~~may~~ shall grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as parts 4740.0110 to 4740.0310 [Emergency]. If the applicant fails to provide satisfactory verification, the applicant must pass the examination required by part 4740.0140 [Emergency]. The board shall not issue a license until the licensing agencies of the states in which the applicant has held a professional license verify, on a form provided by the board, the status of any disciplinary action involving those licenses. The applicant must:

A. 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; and

B. provide the board with a copy of the rules and statutes governing licensing in the other states where the applicant is licensed.

4740.0160 [Emergency] ISSUANCE OF LICENSE.

If the applicant meets the requirements in parts 4740.0120 to 4740.0150 [Emergency], the board shall issue a license and a number to the applicant to practice social work according to parts 4740.0100 to 4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

4740.0170 [Emergency] DISPLAY OF LICENSE.

A licensee must prominently display the license issued by

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the board at the licensee's place of employment or practice.

4740.0180 [Emergency] TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the board notifies the applicant, in writing, that the license is granted and the ~~licensee~~ license has been assigned a number. Unless a license is revoked or suspended, it is valid for two years and must be renewed according to parts 4740.0190 [Emergency] and 4740.0195 [Emergency].

4740.0190 [Emergency] BIENNIAL RENEWAL OF LICENSE.

Licenses must be renewed every two years from the effective date established in part 4740.0180 [Emergency]. A license granted between January 1989 and ~~July~~ June 1989 must be renewed according to part 4785.0195 [Emergency]. For a license to be renewed, a licensee must pay the renewal fee in part 4740.0290 [Emergency] and complete the appropriate number of hours of continuing education.

4740.0195 [Emergency] RENEWAL OF LICENSES ISSUED IN THE TRANSITIONAL PERIOD.

A license issued between January 1989 and ~~July~~ June 1989 must be renewed according to items A and B.

A. A license ending with an odd ~~license~~ number must be initially renewed by July 31 of the ~~first~~ next odd-numbered year that follows the effective date established in part 4740.0180 [Emergency].

B. A license ending with an even ~~license~~ number must be initially renewed by July 31 of the first even-numbered year that follows the effective date established in part 4740.0180 [Emergency].

C. A license issued between January 1989 and June 1989 must be subsequently renewed every two years from the date on which it was initially renewed under item A or B.

4740.0200 [Emergency] RENEWAL APPLICATION.

The board shall mail an application for renewal to a licensee at the licensee's address of record at least 45 days

Approved by Revisor _____

before the date the license expires according to part 4740.0180 [Emergency]. Failure to receive the application does not relieve the licensee from paying the renewal fee required in part 4740.0290 [Emergency]. The applicant must provide proof of continuing education on forms provided by the board at the time of renewal.

A licensee whose license has expired shall not use the title for which the license was issued and shall not continue to practice social work.

4740.0210 [Emergency] INACTIVE LICENSE STATUS.

A license shall be placed on inactive status when a licensee applies for inactive status and pays the inactive status fee in part 4740.0290 [Emergency].

While a person's license is on inactive status, the person shall not practice, attempt to practice, or offer to practice social work.

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, meets the continuing education requirements in effect, and pays the ~~initial~~ renewal license fees. The board shall then reissue a license.

4740.0220 [Emergency] REINSTATEMENT OF EXPIRED LICENSE.

An expired license may be reinstated if:

A. the ~~licensee~~ individual can show good cause for nonrenewal, such as hardship or long-term illness;

B. no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250 [Emergency]; and

C. the ~~licensee~~ individual passes the examination required in part 4740.0140 [Emergency] and pays the fees required in part 4740.0290 [Emergency].

~~A licensee~~ An individual whose license has expired shall not use the title for which the license was issued and shall not practice social work.

Approved
by Revisor _____

4740.0230 [Emergency] 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 within 30 days if the request is approved or denied. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310 [Emergency].

4740.0240 [Emergency] CHANGE OF ADDRESS.

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

4740.0250 [Emergency] SUSPENSION OR REVOCATION OF LICENSE.

Under Minnesota Statutes, chapters 14 and 148B, the board may deny, suspend, revoke, condition, or limit the license of any person whom the board, after a contested case under Minnesota Statutes, chapter 14, determines:

A. has violated a provision of Minnesota Statutes, sections ~~148B.18 to 148B.27~~ 148B.05, 148B.26, and 148B.27;

B. has violated a portion of or one or more of parts 4740.0100 to 4740.0310 [Emergency] or has violated a board action, order, or condition for practice;

C. has obtained or attempted to obtain a license or license renewal by fraud or deceit;

D. has knowingly provided false information required by the board for licensing or license renewal;

E. has failed to obtain continuing education credits required by the board; or

F. has violated the code of ethics in part 4740.0300 [Emergency].

4740.0260 [Emergency] SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license 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.

Approved
by Revisor _____

4740.0270 [Emergency] RESTORING A LICENSE.

~~For reasons it finds sufficient and upon a majority vote of a quorum of its members, the board may reinstate a license that has been revoked, reduce a period of suspension, withdraw a reprimand, or otherwise restore a license to full status.~~ A former licensee may have a license restored to full status, have a suspension period reduced, or have a reprimand withdrawn if:

A. the former licensee shows competent evidence of completing required rehabilitation or present fitness to perform required occupational duties; and

B. a majority of a quorum of board members votes to restore the license.

4740.0280 [Emergency] VARIANCE.

Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0310 [Emergency].

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. ~~any other relevant information the board needs to properly evaluate the request for a variance~~ additional information that the board requests from the applicant, that relates to the request for a variance.

Subp. 2. **Variance; when allowed; when denied.** 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

Approved by Revisor _____

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.

Subp. 3. **Notification.** The board shall notify the applicant in writing within 60 days after 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.

Subp. 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.

4740.0290 [Emergency] FEES.

The fees in items A to F 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, $25;

B. initial license fee, licensed social worker, $60;

C. initial license fee, licensed graduate social worker, $100;

D. initial license fee, licensed independent social worker, $150;

E. initial license fee, licensed independent clinical social worker, $150; and

F. inactive status license fee, $50.

4740.0300 [Emergency] CODE OF ETHICS.

Subpart 1. **Code of ethics.** The code of ethics applies to the licensees and applicants who practice social work and

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applies to their conduct during the period of education, training, and employment which is required for licensure.

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

Subp. 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 4740.0250 [Emergency].

4740.0310 [Emergency] 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 to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556 or 626.557, governing reporting abuse of children and vulnerable adults, and Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or incompetence of licensed professionals.

Subp. 2. **Nondiscrimination.** A licensee must not discriminate on the basis of age, sex, race, national origin, religion, ~~sex,~~ physical handicap, political affiliation, or social or economic status, according to Minnesota Statutes, sections 363.01 to 364.14. In addition, a licensee must not discriminate on the basis of affectional preference, or choice of lifestyle.

Subp. 3. **Relations with clients.**

Approved by Revisor _____

A. A licensee shall not engage in any type of sexual activities with a client, as prohibited in Minnesota Statutes, chapter 148A.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. ~~A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not offer medication, controlled substances, or alcoholic beverages to a client, unless ordered by a physician, nor accept these substances from a client.

D. A licensee, ~~while offering dignified and reasonable support,~~ 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.

Subp. 4. **Code of personal conduct.** The licensee must ~~value~~ 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 engage in sexual activities or commit sexual harassment with any client, student, or trainee under the licensee's supervision.

B. A licensee shall not engage in sexual activities with a former client for two years after the professional relationship with the client ends. ~~A licensee who violates this requirement may be liable under~~, as prohibited in Minnesota Statutes, chapter 148A.

C. A licensee shall not use or possess prohibited

Approved by Revisor _____

drugs as they are defined in Minnesota Statutes, chapter 152, unless prescribed for a legitimate medical purpose.

D. 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.

E. A licensee must provide professional services to anyone regardless of age, sex, race, national origin, religion, ~~sex, national origin~~ physical handicap, political affiliation, or social or economic status, as required in Minnesota Statutes, sections 363.01 to 364.14. A licensee must also provide professional services to anyone, regardless of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a licensee shall make an appropriate referral.

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

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

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

I. A licensee shall not attempt to diagnose, prescribe for, treat, or advise on problems outside of the licensee's ~~area~~ level of competence.

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

K. 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.

L. A licensee shall comply with parts 4740.0100 to

Approved
by Revisor _____

4740.0310 [Emergency] and Minnesota Statutes, chapter 148B.

Subp 5. **Confidentiality and keeping records.**

A. Records indicative of the problems and scope of services must be maintained to ensure security and confidentiality of clients. Records which personally identify the client shall not be released to third parties unless:

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

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(4) 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. When there is clear and immediate danger to an individual or society, a licensee has the duty to warn the person or others as required under Minnesota Statutes, sections 148.975 and 148.976. A licensee shall communicate information to others without the client's consent.

D. A licensee must file a report as required by Minnesota Statutes, sections 626.556 and 626.557, concerning abuse of children and vulnerable adults.

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~~EFFECTIVE DATE.--The effective date of parts 4740.0100 to 4740.0310 [Emergency] is November 1, 1988.~~

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