

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: January 2, 1991

TO: PATRICIA PUETZ
Executive Director
Board of Social Work

FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

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 December 26, 1990.

Enclosed is your 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, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance 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.

CH:sc
Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Thomas McSteen

CH

RULE REVIEW CHECKLIST

File No. 1774
DATE RECEIVED 12-13-90
REVIEW DATE 12-27-90
DUE DATE 12-27-90
(DIS)APPROVED 12-26-90
WITHDRAWN

Docket No. 05.0009.0475
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 12-18-90
REVISOR (DIS)APPROVED 12-19-90
FILED W/SEC. OF STATE 1/7/91
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
June 19, 1989 Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
July 6, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule 148B.17, 148B.20 subd 1(a)(b)(f)(h)
~~148B.17, 148~~ Statutory Authority 148B.21 subd 2, 148B.22 subd 1
Small Business Statement 148B.23 subd 3, 214.06
Expenditure of public money statement
October 4, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
Small Business Statement
✓ Fees - § 16A.128 obtained approval from Finance sent to Finance House and Senate Committees

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
October 9, 1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
Sept 4, 1990 Date 30/25 days before adoption also Oct 15, 1990

180-day deadline from:
all - see my notes Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
Dec 7, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Dec 7, 1990 Date

Written Requests, Submissions or Comments - Going to give them to me

✓ Declaration of Attorney
Thomas McSteen Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if

Board of Social Work

Adopted Permanent Rules Relating to Social Worker Licenses

Rules as Adopted

4740.0100 PURPOSE.

Parts 4740.0100 to 4740.0310 protect the public by:

A. setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers; and

B. promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 contain procedures and guidelines for licensing and regulating social workers.

4740.0110 DEFINITIONS.

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

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

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

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

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

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

Subp. 7. **Continuing education.** "Continuing education" means 30 continuing education hours within the biennial licensure period. Continuing education is education obtained by a professional social worker licensee to maintain, improve, or expand skills and knowledge related to the practice of social work as defined in parts 4740.0100 to 4740.0310.

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

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

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

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

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

Subp. 13. **Face-to-face supervision.** "Face-to-face supervision" means direct in-person supervision. Supervision via telephone or other live electronic media is acceptable supervision if it is logged or recorded and does not account for

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more than one-quarter of the total number of hours required under part 4740.0130.

Subp. 14. **Group supervision.** "Group supervision" means two or more supervisees with one supervisor. Group supervision must not exceed eight hours of the supervisory time required under part 4740.0130.

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

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

Subp. 17. **Interdisciplinary supervision.** "Interdisciplinary supervision" means team intervention or collaboration, which includes members of different professions or disciplines. Interdisciplinary supervision must not exceed eight hours of the total supervisory time required under part 4740.0130.

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

Subp. 19. **Peer supervision.** "Peer supervision" means collegial supervision. Peer supervision must not exceed eight hours of the total supervisory time required under part 4740.0130.

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

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

Subp. 22. **Supervisor.** "Supervisor" means a social worker

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who is licensed or was eligible for licensure during the transition period and under the emergency rules and who has the authority to direct the practice of the licensee. The supervisor must have completed the two years or 4,000 hours of supervised social work experience required under part 4740.0130 prior to providing supervision.

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

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

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

4740.0120 PROCEDURES FOR APPLICATION.

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

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

B. The required, nonrefundable fee as specified in part 4740.0290, payable to the Board of Social Work.

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

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

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E. A form provided by the board signed by the applicant's supervisor that states that the requirements for supervision under part 4740.0130 have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision. The burden of proof of the required supervision rests with the applicant.

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

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

B. verification of the expected graduation date; and

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

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

4740.0130 SUPERVISION REQUIREMENTS.

Subpart 1. **General.** An applicant for a license by the board must show that the applicant has the supervised experience required under the appropriate subpart 3 to 6. The supervised work experience required for a licensee at the licensed social worker (LSW) level under subpart 3 must be documented by the licensee's first biennial renewal. The continuing supervision required for a licensee at the licensed graduate social worker (LGSW) level under subpart 4 must be documented at each license renewal. The supervised work experience required for licensure at the licensed independent social worker (LISW) level under subpart 5 and at the licensed independent clinical social worker

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(LICSW) level under subpart 6 must be documented at the time of application for those levels.

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

Subp. 3. **Licensed social worker (LSW).** For a licensed social worker (LSW), supervision qualifying an applicant as a licensed social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours of supervision during two years or 4,000 hours of social work practice. Supervision must be or have been provided by a licensed social worker or a social worker licensed at a higher level than the applicant. The applicant must provide verification of that supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a bachelor's degree and must be supervised, paid, social work experience.

Subp. 4. **Licensed graduate social worker (LGSW).** For a licensed graduate social worker (LGSW), supervision qualifying an applicant as a licensed graduate social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours at each two-year renewal. Supervision must be or have been provided by a licensed social worker at least at the level of the applicant or at a higher level than the applicant. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision

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from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a master's or doctorate degree and must be supervised, paid, social work experience.

Subp. 5. **Licensed independent social worker (LISW).** For a licensed independent social worker (LISW), supervision qualifying an applicant as a licensed independent social worker consists of face-to-face, group, or interdisciplinary supervision sessions for a minimum of 50 hours for two years or 4,000 hours of supervised social work practice. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must be or have been provided by a licensed independent social worker or licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee.

Subp. 6. **Licensed independent clinical social worker (LICSW).** For a licensed independent clinical social worker (LICSW), supervision qualifying an applicant for an independent clinical social worker license includes review of a social worker's interaction with clients, with the goal of improving the social worker's clinical skills. Supervision must be conducted face-to-face or in group or interdisciplinary supervision sessions. The content may include but not be limited to discussion of case presentations, review of audio tapes, and direct observation of the social worker-client interaction by the supervisor. Supervision must have been provided for a minimum of 50 hours for the two years or 4,000 hours of supervised social work practice, in order to qualify

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the social worker for this level of licensure. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must have been provided by a licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from a qualified mental health professional as defined in Minnesota Statutes, section 148B.18, subdivision 10. The burden of proof of the required supervision rests with the licensee.

4740.0140 EXAMINATION APPLICATION AND REEXAMINATION.

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

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

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

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

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

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

G. A licensee granted a licensed graduate social worker (LGSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for either the licensed independent social worker (LISW) license or the

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licensed independent clinical social worker license (LICSW) upon completion of supervision as required in part 4740.0130, subparts 5 and 6.

H. A licensee granted a licensed independent social worker (LISW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent clinical social worker (LICSW) license upon completion of supervision as required in part 4740.0130, subpart 6.

I. A licensee granted a licensed independent clinical social worker (LICSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent social worker (LISW) license upon completion of supervision as required in part 4740.0130, subpart 5.

4740.0145 DENIAL OF LICENSE.

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

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

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

4740.0150 RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed currently under the laws of states or territories of the United States that at the time of original licensure imposed substantially the same requirements as parts 4740.0100 to

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4740.0310. To obtain a license under parts 4740.0100 to 4740.0310, the applicant must meet the conditions in items A to D.

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

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

C. If the applicant fails to provide satisfactory verification of supervision of the level applied for, or the board determines that the requirements imposed by the other states at the time of original licensure are not comparable to parts 4740.0100 to 4740.0310, then the applicant must pass the examination required by part 4740.0140.

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

4740.0160 ISSUANCE OF LICENSE.

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

4740.0170 DISPLAY OF LICENSE.

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

4740.0180 TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the applicant has been issued a number after having paid the required fees. The applicant must pay the required fees within 60 days after the date of the board's approval of a license application. If after 60 days the board has not received an applicant's fee the applicant's file shall be closed and the applicant shall reapply according to part 4740.0120. Unless a license is revoked or suspended, it is initially valid for the period of time allowed in parts 4740.0195 and 4740.0210. It must be renewed according to parts 4740.0190, 4740.0195, 4740.0200, and 4740.0210.

4740.0185 DUPLICATE LICENSE.

A duplicate license may be issued for the fee set in part 4740.0290, item H, when the licensee notifies the board by certified statement that the original license was lost, stolen, or destroyed. The duplicate license shall be marked "duplicate" and the date of its issuance indicated. If the licensee has a name change, the board shall issue a new license when the licensee provides verification of the name change, surrenders the original license, and pays a duplicate license fee.

4740.0190 RENEWAL OF LICENSE.

A license granted in the transition period must be initially renewed according to part 4740.0195. Subsequent renewals of all licenses must be according to part 4740.0210. For a license to be renewed, a licensee must pay the renewal fee as defined in parts 4740.0210, subpart 5, and 4740.0290, complete the appropriate number of continuing education hours, and, where applicable, show compliance with supervision requirements of part 4740.0130.

4740.0195 RENEWAL OF LICENSES ISSUED IN THE TRANSITION PERIOD.

A license issued to applicants who applied for licensure

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during the transition period must be renewed initially according to items A and B.

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

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

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

4740.0200 RENEWAL APPLICATION PROCEDURES.

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

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

Subp. 3. **Expired license.** The failure to renew will result in an expired license. An expired license must be reinstated according to part 4740.0205.

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

4740.0205 REINSTATEMENT OF EXPIRED LICENSE.

Subpart 1. **Guidelines for reinstatement.** An expired

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license shall be reinstated if no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250; if the individual meets the education and supervision requirements of Minnesota Statutes, section 148B.21; if the individual passes the examination required in part 4740.0140; and if the individual pays the fees required in part 4740.0290, item J.

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

4740.0210 CONVERSION OF LICENSE RENEWAL PROCEDURES.

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

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

A. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period, and who was issued an odd-numbered license, which is due to be initially renewed according to part 4740.0195, item A, by June 30, 1991, that renewed license is current until the last day of the licensee's birth month in 1993.

For example, license number 00001 must be initially renewed by June 30, 1991, under part 4740.0195, item A. If the licensee's birth month is May, the licensee must renew the license again by May 31, 1993.

B. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was

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issued before January 1, 1990, an even-numbered license which is due to be initially renewed according to part 4740.0195, item B, on June 30, 1990, that renewed license is current until the last day of the licensee's birth month in 1992.

For example, a license numbered 00002 must be initially renewed by June 30, 1990, according to part 4740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1992.

C. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued after December 31, 1989, an even-numbered license which is due to be renewed according to part 4740.0195, item B, on June 30, 1992, that renewed license is current until the last day of the licensee's birth month in 1994.

For example, a license numbered 6000 must be initially renewed by June 30, 1992, according to part 4740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1994.

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

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

Subp. 4. **Licenses issued after June 30, 1989.** Licenses issued to persons who applied after June 30, 1989, will be current and effective from the effective date under part 4740.0180 until the last day of their birth month the second year after the initial licensing. After the initial licensure period, subsequent renewal periods shall be biennial cycles that begin on the first day of the month following the licensee's birth.

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

Subp. 5. **Conversion period and fees.** A licensee who applied for a license during the transition period, and who renews that license according to the conversion under subpart 2, shall pay the prorated renewal fees required by items A to D. All renewals after the conversion period must be accompanied by the renewal fee in part 4740.0290, item F.

A. Licensees due to be renewed June 30, 1990, and having a birth month between January 1 and June 30, 1992, will pay the renewal fee under part 4740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

B. Licensees due to be renewed June 30, 1990, and having a birth month between July 1 and December 31, 1992, will pay the renewal fee under part 4740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

C. Licensees due to be renewed June 30, 1991, and having a birth month between January 1 and June 30, 1993, will

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pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

D. Licensees due to be renewed June 30, 1991, and having a birth month between July 1 and December 31, 1993, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

E. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between January 1 and June 30, 1994, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

F. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between July 1 and December 31, 1994, will pay the renewal fee under part 4740.0290, item F, prorated for the total number

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of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

Subp. 6. **Initial license period and fees.** An individual who is initially licensed by the board after June 30, 1989, shall pay the social work application fee, examination fee, and biennial renewal fees in part 4740.0290, as provided in items A to C.

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

B. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the license renewal fee in part 4740.0290, item F.

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

4740.0220 INACTIVE LICENSE STATUS.

Subpart 1. **Application.** An application for an inactive license must be submitted before the expiration of the license period. Upon receiving notice of the board's approval of the application, the licensee must discontinue practicing social work, cease displaying his or her license, and pay the inactive status fee in part 4740.0290, item I.

Subp. 2. **Time limit on inactive status.** The inactive

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status shall not exceed ten consecutive years. After ten years the licensee must reapply for active status or the board shall cancel the license.

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

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

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

A. Licensed social workers who have not completed the required two years or 4,000 hours of supervised practice as defined in part 4740.0130, subpart 3, must meet that requirement in addition to any specified in subpart 3.

B. Licensed graduate social workers are required by part 4740.0130, subpart 4, to document 50 hours of supervision at each renewal. Licensed graduate social workers returning to active status who have been on inactive status for more than five years must meet the requirements of subpart 3, before applying to take an examination for a higher level license.

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

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4740.0225 EMERITUS LICENSE STATUS.

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

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

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

C. by paying the one-time emeritus fee.

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

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

Subp. 4. **Reactivating license.** In the exceptional case that a social worker issued an emeritus license should wish to resume practicing, the board shall reactivate the license according to the procedure in part 4740.0220, subpart 5, for reactivating an inactive license. The person seeking reactivation must notify the board of the intent to resume practice, agree to the supervision requirement if applicable, document that the licensee has completed the required continuing education, pay the inactive status fees for the emeritus period, and pay the prorated renewal fee sufficient to return to the ~~biannual~~ biennial birth month renewal schedule. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before emeritus status was granted or during the emeritus status.

If a person has had an emeritus license more than five consecutive years, the licensee must receive 25 hours of supervision during the first 12-month period. This must be documented at the time of renewal.

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4740.0230 CHANGE OF ADDRESS.

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

4740.0240 VOLUNTARY TERMINATION OF LICENSE.

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee in writing if the request is approved or denied. A licensee who has voluntarily terminated a license must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date of the voluntary termination. An individual whose request for voluntary termination has been accepted by the board or whose license has expired shall not use the title for which the license was issued and shall not practice, offer to practice, advertise, or otherwise represent himself or herself as authorized to practice social work. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310. Nothing in this part shall preclude the board from taking disciplinary action against a licensee based on conduct occurring before the voluntary termination.

4740.0250 SUSPENSION OR REVOCATION OF LICENSE.

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

4740.0260 SUSPENDED OR REVOKED LICENSE.

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

4740.0270 VARIANCE.

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Subpart 1. **Request for variance.** An applicant or licensee may ask the board for a variance from the provisions of parts 4740.0100 to 4740.0285.

A request for a variance must be submitted to the board in writing and must contain:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative measures that will be taken to protect the public if a variance is granted;

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

E. additional information that the board requests from the applicant, that relates to the request for a variance.

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

A. the variance will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;

B. the alternative measures to be taken, if any, are equivalent or superior to those prescribed in the part for which the variance is requested; and

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

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

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

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

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the criteria in subpart 2 and complies with the alternative measures or conditions imposed at the time the original variance was granted.

4740.0285 CONTINUING EDUCATION REQUIREMENTS.

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

A person licensed during the transition period under part 4740.0195 may include and count continuing education programs from January 1989 for credit at the time of the first license renewal if the program meets the requirements in subparts 2 to 11.

Subp. 2. **Transition period.** For licensees who are issued even-numbered licenses during the transition period under part 4740.0195, item B, 15 continuing education hours are required for the one-year, one time only, license renewal.

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

Subp. 4. **Content areas for continuing education.** Continuing education programs approved under subparts 9 6 to 11 must contain one of the following content areas related to social work practice:

A. theories and concepts of human behavior and the social environment;

B. social work practice/knowledge and skills;

C. social work research, program, or practice evaluation;

D. management/administration/social policy;

E. social work ethics; or

F. an area, chosen by the board, deemed to be of

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current importance.

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

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

A. Academic course work:

(1) courses and seminars given by accredited social work programs;

(2) postgraduate courses from a university, college, or other institution of higher education, in a field other than social work, upon proof that the course is relevant to social work practice;

(3) undergraduate courses from a university, college, or other institution of higher education, if they can be shown to update or enhance the licensee's social work competency. Course and supporting information must accompany the request; and

(4) correspondence work, televised courses, audiovisual, video tapes, and other forms of self study, shown to update or enhance competency. These activities must be preapproved by the board. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Documentation must include the following information:

(1) the title of the activity;

(2) the number of credit hours for the activity;

(3) the name of the provider or sponsor of the activity; and

(4) the date and location of the course.

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

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

(a) a copy of the certificate, if any, the provider or sponsor issued to the participants;

(b) the certificate of attendance, if any, provided by the program sponsor with all information completed; or

(c) an affidavit signed by the program or course instructor that the licensee attended the workshop, conference, or institute.

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

(a) a copy of the program for the lecture or presentation;

(b) a notice of publication of the written material; or

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(c) other material that may be requested by the board.

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

(a) a copy of the transcript; or

(b) a report signed by the instructor of hours attended.

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

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

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

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

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

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

(1) a statement of the objectives and goals of the program or course, including the knowledge and skills each participant is expected to gain upon completion;

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(2) a description of the content of the program or course, including a detailed agenda;

(3) a description of the teaching method to be used;

(4) a copy of the evaluation form to be used by the participants; and

(5) a listing of the qualifications of each instructor as evidence of the instructor's current knowledge and skill in the program or course subject.

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

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

Subp. 11. **Board review of continuing education sponsor applications.**

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

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

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

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4740.0290 FEES.

The fees in items A to K 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, payable in addition to application fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

C. Examination and reexamination fees, payable in addition to application fee, not to exceed $200.

D. License by reciprocity fee, payable in addition to application fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

E. Transition or grandparenting, one-year group, renewal fee:

(1) licensed social worker, $30;

(2) licensed graduate social worker, $50;

(3) licensed independent social worker, $75;

(4) licensed independent clinical social worker, $75.

F. Biennial renewal fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

G. Emeritus, $30.

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H. Duplicate license, $15.

I. Inactive status fee:

(1) licensed social worker, $30;

(2) licensed graduate social worker, $50;

(3) licensed independent social worker, $75;

(4) licensed independent clinical social worker, $75.

J. Fee for restoration of license after suspension, revocation, or expiration:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

K. Application fee for continuing education program:

(1) single program, $25;

(2) three to five programs, $65;

(3) six to ten programs, $135;

(4) more than ten programs, $250.

4740.0300 CODE OF ETHICS.

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

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.

4740.0310 ETHICAL STANDARDS.

Subpart 1. **Responsibility to clients.** A licensee's primary professional responsibility is to the client. The licensee shall make every effort to advance the welfare and best

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

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

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

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

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

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

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substances from a client.

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

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

Subp. 4. **Code of personal conduct.** The licensee must demonstrate objectivity, integrity, and sound standards in the interest of service to the public and to the profession. Licensed status shall not be used as a claim, promise, or guarantee of successful service, nor shall the license be used to imply that the licensee has competence in another service. The licensee shall not misrepresent professional qualifications, affiliations, and licenses of the licensee or the institutions and organizations with which the licensee is associated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 the legally appointed guardian. In the case of a minor, informed consent must be obtained from a parent or legally appointed guardian.

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

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APPROVED AS TO LEGALITY

December 26, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 07 1991

Joan Anderson Growe
Secretary of State

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF SOCIAL WORK

In the Matter of the
Proposed Adoption of the
Permanent Rules of the
Board of Social Work
Relating to Social Worker Licenses

FINDINGS OF FACT,
CONCLUSIONS, AND ORDER
ADOPTING RULES WITHOUT
A PUBLIC HEARING

(1) Notice of the Board of Social Work's (hereinafter "Board") intent to adopt the above-entitled rules was published in the State Register on September 4, 1990, and October 15, 1990, and was sent by United States mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. 1(a) and 14.22 on October 9, 1990. (2) The statement of need and reasonableness was prepared before the Alternative Notices: Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing (hereinafter "Alternative Notices") was mailed to all persons on the rulemaking mailing list and published in the State Register, and it was made available to the public. Before the notice was submitted to the State Register, a copy of the Alternative Notices, the proposed rules, and the statement of need and reasonableness were sent to the chairs of the house appropriations committee and senate finance committee and to the Legislative Commission to Review Administrative Rules.

(4) All persons were given the opportunity to submit comment on the rules for 30 days after notice of proposed rulemaking. (5) The Board receives two comments which are attached hereto. The Board received only one request for a public hearing on the rules, which is attached hereto.

(7) The Board did not receive any requests for notice of submission to the Attorney General.

(6) The Board hereby makes the following FINDINGS:

1. The Statement of Need and Reasonableness, dated August 23, 1990, is incorporated herein as findings of the Board;

2. The Board received a comment relating to proposed rule part 4740.0120, subpart 1(D), suggesting that the supervisor forms be sent directly from the supervisor to the Board's office;

3. In response to the comment referenced in Finding No. 2, the Rules Committee recommended that proposed rule part 4740.0120, subpart 1(D) be modified as follows:

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

4. The Board received a comment relating to proposed rule part 4740.0110, subpart 8, suggesting that the phrase "council on social work education" be capitalized, as it is an organization;

5. In response to the comment referenced in Finding No. 4, the Rules Committee recommended that proposed rule part 4740.0110, subpart 8 be modified as follows:

> "Council of S ~~social~~ W ~~work~~ E ~~education~~" means ...

6. The Board received a comment relating to proposed rule part 4740.0285, questioning whether there will be difficulty obtaining continuing education credit for programs which do not have prior approval from the Board;

7. In response to the comment referenced in Finding No. 6, the Rules Committee recommended that proposed rule part 4640.0285, subpart 1 be modified as follows:

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

8. The Rules Committee recommended that proposed rule part 4740.0150 be modified as follows:

> The Board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed currently under ...

9. The Rules Committee recommended that proposed rule part 4740.0220, subpart 5 be modified as follows:

> The Board shall reactivate a license of a person who is on inactive status and who ... pays the prorated license renewal fees sufficient to return to the ~~biannual~~ biennial birth month renewal schedule ...

10. The Rules Committee recommended that proposed rule part 4740.0225, subpart 4 be modified as follows:

> ... The person seeking reactivation must notify the Board of the intent to resume practice, ... and pay to the prorated renewal fee sufficient to return to the ~~biannual~~ biennial birth month renewal schedule ...

11. The Rules Committee recommended that proposed rule part 4740.0285, subpart 4 be modified as follows:

> Continuing education programs approved under subparts ~~9~~ 6 to 11 must contain ...

Based on the foregoing Findings, the Board hereby makes the following CONCLUSIONS:

1. The proposed changes, as presented in Findings Nos. 3, 5, and 7-11 do not constitute substantial change as defined by Minn. Rules pt. 2010.1000(D), because they do not introduce significant new subject matter and they do not make a major substantive change;

2. (8) The proposed rules, as modified, are both needed and reasonable.

Based upon the foregoing conclusions and upon all of the evidence in the record before the board, the Board issues the following ORDER:

NOW, THEREFORE, IT IS HEREBY ORDERED that the rules identified as In the Matter of the Proposed Adoption of the Permanent Rules of the Board of Social Work Relating to Social Worker Licenses are adopted this 7th day of (9) December, 1990, pursuant to authority vested in the Board by Minn. Stat. § 148B.20, subd. 1.

PATRICIA J. PUETZ
Executive Director
Board of Social Work

RECEIVED

DEC 12 1990

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

A. application for admission to examination, ~~$15~~ $25;

B. application for licensure, ~~$170~~ $250;

C. renewal of license, ~~$170~~ $250; and

D. late renewal of license, ~~$150~~ $160.

Board of Social Work

Proposed Permanent Rules Relating to Social Worker Licenses

Alternative Notices: Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Board of Social Work (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 14.22 to 14.28 (1988). However, in the event that 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of hearing on the proposed rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on November 15, 1990. This period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

The Board recently gave notice of its intent to adopt rules in the *State Register* September 4, 1990 issue, Volume 15, Number 10. Due to procedural defects, the Board is republishing its intent and extending the comment period for an additional 30 days.

II. Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Social Work (hereinafter "Board") intends to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* sections 14.22 to 14.28 (1988).

All persons have 30 days from the date this notice is published in the *State Register* in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30 days will expire on November 15, 1990. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule 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 rule as noticed.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a hearing is not required, the agency will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing must be submitted to:

Patricia Puetz, Excutive Director
State of Minnesota, Board of Social Work
2700 University Avenue, Suite 225
St. Paul, MN 55114
(612) 643-2580

The statutory authority to adopt the rule is contained in *Minnesota Statutes* Sections 148B.17, 148B.20, Subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules were published in the *State Register* issue of September 4, 1990, Volume 15, Number 10. A free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land, see *Minnesota Statutes* section 14.11 (1988). It is the position of the Board that it is not subject to *Minnesota Statutes* section 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 rules as adopted should submit a written request to the Board at the address listed above.

III. Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing

PLEASE NOTE that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in part II above, a hearing will be held on December 7, 1990, in accordance with the following notice of public hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988), in Room 225, Colonial Office Park, 2700 University Avenue West, St. Paul, MN on December 7, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three day period. This rule hearing procedure is governed by *Minnesota Statutes* Sections 14.131 to 14.20 (1988) and by *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules were published in the *State Register* issue of September 4, 1990, Volume 15, Number 10. A free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

The statutory authority to adopt the rule is contained in *Minnesota Statutes* Sections 148B.17, 148B.20 subd. 1 (a), (b), (f), (h), 148B.21, Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in *Minnesota Statutes* section 10.A.01, Subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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.

(b) who spends more than $250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101, telephone number (612) 296-5615.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land, see *Minnesota Statutes* Section 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* section 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

IV. Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

PLEASE NOTE THAT THE HEARING, notice of which is given in part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above.

To be informed whether the hearing notice in Part III above will be held, please call or write the Board before November 30, 1990 and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: 4 October 1990

Patricia J. Puetz
Board of Social Work
(612) 643-2580

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Human Services

Adopted Permanent Rules Relating to Community Health Clinic Services Eligible for Medical Assistance Payment

The rule proposed and published at *State Register*, Volume 15, Number 5, pages 255-256, July 30, 1990 (15 SR 255) is adopted as proposed.

Board of Social Work

In the Matter of the Proposed Adoption of the Permanent Rules of the State of Minnesota Governing the Board of Social Work

ALTERNATIVE NOTICES: NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Social Work (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of Minnesota Statutes sections 14.22 to 14.28 (1988). However, in the event that 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minnesota Statutes section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of hearing on the proposed rules pursuant to Minnesota Statutes sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that a hearing be held. The comment period will close on November 15, 1990. This period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

The Board recently gave notice of its intent to adopt rules in the State Register September 4, 1990 issue, Volume 15, Number 10. Due to procedural defects, the Board is republishing its intent and extending the comment period for an additional 30 days.

II. NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State of Minnesota Board of Social Work (hereinafter "Board") intends to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.22 to 14.28 (1988).

(2) All persons have 30 days from the date this notice is published in the State Register in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30 days will expire November 15, 1990. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. (8) The proposed rule 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 rule as noticed.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is not required, the agency will proceed pursuant to Minnesota

Statutes, sections 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing must be submitted to:

(5)

Patricia Puetz, Executive Director
State of Minnesota, Board of Social Work
2700 University Avenue, Suite 225
St. Paul, MN 55114
(612) 643-2580

(1) The statutory authority to adopt the rule is contained in Minnesota Statutes Sections 148B.17, 148B.20, Subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

(11) If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules were published in the State Register issue of September 4, 1990, Volume 15, Number 10. A free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

(2) **A Statement of Need and Reasonableness** that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

(13) Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land, see Minnesota Statutes Section 14.11 (1988). (14) It is the position of the Board that it is not subject to Minnesota Statutes section 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statutes section 14.115, subdivision 2 for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

(9) Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 rules as adopted should submit a written request to the Board at the address listed above.

III. NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

Please note that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in part II above, a hearing will be held on December 7, 1990 in accordance with the following notice of public hearing.

Notice is hereby given that a public hearing in the above-captioned matter will be held pursuant to Minnesota Statutes sections 14.131 to 14.20 (1988), in Room 225, Colonial Office Park, 2700 University Avenue West, St. Paul, MN 55114, on December 7, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three day period. This rule hearing procedure is governed by Minnesota Statutes Sections 14.131 to 14.20 (1988) and by Minnesota Rules Parts 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules were published in the State Register issue of September 4, 1990, Volume 15, Number 10. A free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

The statutory authority to adopt the rule is contained in Minnesota Statutes Sections 148B.17, 148B.20 subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

The proposed rules may be modified as a result of the rule hearing process.

Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in Minnesota Statutes section 10A.01, Subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses or

membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) who spends more that $250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, MN 55101, telephone number (612) 296-5615.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land, see Minnesota Statutes Section 14.11 (1988).

It is the position of the Board that it is not subject to Minnesota Statutes section 14.115 (1988) regarding small business considerations in rule-making. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statutes section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

IV. Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

Please note that the hearing, notice of which is given in part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above.

To be informed whether the hearing notice in Part III above will be held, please call or write the Board before November 30, 1990 and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: 4 October 1990

Patricia J. Puetz

Patricia J. Puetz
Board of Social Work
(612) 643-2580

307.0700 LATE PAYMENT FEE.

A person must pay a late payment fee of 100 percent of the payment due for failure to make payment within 60 days of a payment date. A person must pay an additional 100 percent of the original payment due for failure to make payment within 120 days of a payment date.

Board of Social Work

Proposed Permanent Rules Relating to Social Worker Licenses

Alternative Notices: Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Board of Social Work (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 14.22 to 14.28 (1988). However, in the event that 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of hearing on the proposed rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that a hearing be held. The comment period will close on October 2, 1990. This period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State of Minnesota Board of Social Work (hereinafter "Board") intends to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* sections 14.22 to 14.28 (1988).

All persons have 30 days from the date this notice is published in the *State Register* in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30 days will expire October 2, 1990. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule 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 rule as noticed.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is not required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing must be submitted to:

Patricia Puetz, Executive Director
State of Minnesota Board of Social Work
2700 University Avenue, Suite 225
St. Paul, MN 55114
(612) 643-2580

The statutory authority to adopt the rule is contained in *Minnesota Statutes* Sections 148B.17, 148B.20, Subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules will be published in the *State Register* issue of September 3, 1990, Volume 15, Number 10, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land - see *Minnesota Statutes* Section 14.11 (1988). It is the position of the Board that it is not subject to *Minnesota Statutes* section 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 rules as adopted should submit a written request to the Board at the address listed above.

III. Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing

PLEASE NOTE that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in part II above, a hearing will be held on October 29, 1990 in accordance with the following notice of public hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988), in room 225, Colonial Office Park, 2700 University Avenue West, St. Paul, MN 55114, on October 29, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three day period. This rule hearing procedure is governed by *Minnesota Statutes* Sections 14.131 to 14.20 (1988) and by *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules will be published in the *State Register* issue of September 3, 1990, Volume 15, Number 10, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

The statutory authority to adopt the rule is contained in *Minnesota Statutes* Sections 148B.17, 148B.20 subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in *Minnesota Statutes* section 10A.01, Subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses or membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

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(b) who spends more that $250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, MN 55101, telephone number (612) 296-5615.

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land—see *Minnesota Statutes* Section 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* section 14.115 (1988) regarding small business considerations in rule-making. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

IV. NOTICE OF INTENT TO CANCEL HEARING IS FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, notice of which is given in part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above.

To be informed whether the hearing notice in Part III above will be held, please call or write the Board before October 22, 1990 and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: 17 August 1990

William Anderson, Chairperson
Board of Social Work
(612) 643-2580

Rules as Proposed (all new material)

4740.0100 PURPOSE.

Parts 4740.0100 to 4740.0310 protect the public by:

A. setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers; and

B. promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 contain procedures and guidelines for licensing and regulating social workers.

4740.0110 DEFINITIONS.

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

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

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

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

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

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

Subp. 7. **Continuing education.** "Continuing education" means 30 continuing education hours within the biennial licensure period. Continuing education is education obtained by a professional social worker licensee to maintain, improve, or expand skills and knowledge related to the practice of social work as defined in parts 4740.0100 to 4740.0310.

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

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

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

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

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

Subp. 13. **Face-to-face supervision.** "Face-to-face supervision" means direct in-person supervision. Supervision via telephone or other live electronic media is acceptable supervision if it is logged or recorded and does not account for more than one-quarter of the total number of hours required under part 4740.0130.

Subp. 14. **Group supervision.** "Group supervision" means two or more supervisees with one supervisor. Group supervision must not exceed eight hours of the supervisory time required under part 4740.0130.

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

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

Subp. 17. **Interdisciplinary supervision.** "Interdisciplinary supervision" means team intervention or collaboration, which includes members of different professions or disciplines. Interdisciplinary supervision must not exceed eight hours of the total supervisory time required under part 4740.0130.

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

Subp. 19. **Peer supervision.** "Peer supervision" means collegial supervision. Peer supervision must not exceed eight hours of the total supervisory time required under part 4740.0130.

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

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

Subp. 22. **Supervisor.** "Supervisor" means a social worker who is licensed or was eligible for licensure during the transition period and under the emergency rules and who has the authority to direct the practice of the licensee. The supervisor must have completed the two years or 4,000 hours of supervised social work experience required under part 4740.0130 prior to providing supervision.

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

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

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

4740.0120 PROCEDURES FOR APPLICATION.

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

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

B. The required, nonrefundable fee as specified in part 4740.0290, payable to the Board of Social Work.

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

D. Where applicable, verification of two years or 4,000 hours of supervised experience in the practice of social work to be completed before the date of application.

E. A form provided by the board signed by the applicant's supervisor that states that the requirements for supervision under part 4740.0130 have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision. The burden of proof of the required supervision rests with the applicant.

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

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

B. verification of the expected graduation date; and

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

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

4740.0130 SUPERVISION REQUIREMENTS.

Subpart 1. **General.** An applicant for a license by the board must show that the applicant has the supervised experience required under the appropriate subpart 3 to 6. The supervised work experience required for a licensee at the licensed social worker (LSW) level under subpart 3 must be documented by the licensee's first biennial renewal. The continuing supervision required for a licensee at the licensed graduate social worker (LGSW) level under subpart 4 must be documented at each license renewal. The supervised work experience required for licensure at the licensed independent social worker (LISW) level under subpart 5 and at the licensed independent clinical social worker (LICSW) level under subpart 6 must be documented at the time of application for those levels.

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

Subp. 3. **Licensed social worker (LSW).** For a licensed social worker (LSW), supervision qualifying an applicant as a licensed social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours of supervision during two years or 4,000 hours of social work practice. Supervision must be or have been provided by a licensed social worker or a social worker licensed at a higher level than the applicant. The applicant must provide verification of that supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a bachelor's degree and must be supervised, paid, social work experience.

Subp. 4. **Licensed graduate social worker (LGSW).** For a licensed graduate social worker (LGSW), supervision qualifying an applicant as a licensed graduate social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours at each two-year renewal. Supervision must be or have been provided by a licensed social worker at least at the level of the applicant or at a higher level than the applicant. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a master's or doctorate degree and must be supervised, paid, social work experience.

Subp. 5. **Licensed independent social worker (LISW).** For a licensed independent social worker (LISW), supervision qualifying

an applicant as a licensed independent social worker consists of face-to-face, group, or interdisciplinary supervision sessions for a minimum of 50 hours for two years or 4,000 hours of supervised social work practice. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must be or have been provided by a licensed independent social worker or licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee.

Subp. 6. **Licensed independent clinical social worker (LICSW).** For a licensed independent clinical social worker (LICSW), supervision qualifying an applicant for an independent clinical social worker license includes review of a social worker's interaction with clients, with the goal of improving the social worker's clinical skills. Supervision must be conducted face-to-face or in group or interdisciplinary supervision sessions. The content may include but not be limited to discussion of case presentations, review of audio tapes, and direct observation of the social worker-client interaction by the supervisor. Supervision must have been provided for a minimum of 50 hours for the two years or 4,000 hours of supervised social work practice, in order to qualify the social worker for this level of licensure. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must have been provided by a licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from a qualified mental health professional as defined in *Minnesota Statutes*, section 148B.18, subdivision 10. The burden of proof of the required supervision rests with the licensee.

4740.0140 EXAMINATION APPLICATION AND REEXAMINATION.

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

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

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

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

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

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

G. A licensee granted a licensed graduate social worker (LGSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for either the licensed independent social worker (LISW) license or the licensed independent clinical social worker license (LICSW) upon completion of supervision as required in part 4740.0130, subparts 5 and 6.

H. A licensee granted a licensed independent social worker (LISW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent clinical social worker (LICSW) license upon completion of supervision as required in part 4740.0130, subpart 6.

I. A licensee granted a licensed independent clinical social worker (LICSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent social worker (LISW) license upon completion of supervision as required in part 4740.0130, subpart 5.

4740.0145 DENIAL OF LICENSE.

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

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

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

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4740.0150 RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of states or territories of the United States that at the time of original licensure imposed substantially the same requirements as parts 4740.0100 to 4740.0310. To obtain a license under parts 4740.0100 to 4740.0310, the applicant must meet the conditions in items A to D.

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

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

C. If the applicant fails to provide satisfactory verification of supervision of the level applied for, or the board determines that the requirements imposed by the other states at the time of original licensure are not comparable to parts 4740.0100 to 4740.0310, then the applicant must pass the examination required by part 4740.0140.

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

4740.0160 ISSUANCE OF LICENSE.

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

4740.0170 DISPLAY OF LICENSE.

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

4740.0180 TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the applicant has been issued a number after having paid the required fees. The applicant must pay the required fees within 60 days after the date of the board's approval of a license application. If after 60 days the board has not received an applicant's fee the applicant's file shall be closed and the applicant shall reapply according to part 4740.0120. Unless a license is revoked or suspended, it is initially valid for the period of time allowed in parts 4740.0195 and 4740.0210. It must be renewed according to parts 4740.0190, 4740.0195, 4740.0200, and 4740.0210.

4740.0185 DUPLICATE LICENSE.

A duplicate license may be issued for the fee set in part 740.0290, item H, when the licensee notifies the board by certified statement that the original license was lost, stolen, or destroyed. The duplicate license shall be marked "duplicate" and the date of its issuance indicated. If the licensee has a name change, the board shall issue a new license when the licensee provides verification of the name change, surrenders the original license, and pays a duplicate license fee.

4740.0190 RENEWAL OF LICENSE.

A license granted in the transition period must be initially renewed according to part 4740.0195. Subsequent renewals of all licenses must be according to part 4740.0210. For a license to be renewed, a licensee must pay the renewal fee as defined in parts 4740.0210, subpart 5, and 4740.0290, complete the appropriate number of continuing education hours, and, where applicable, show compliance with supervision requirements of part 4740.0130.

4740.0195 RENEWAL OF LICENSES ISSUED IN THE TRANSITION PERIOD.

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

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

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

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

4740.0200 RENEWAL APPLICATION PROCEDURES.

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

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

Subp. 3. **Expired license.** The failure to renew will result in an expired license. An expired license must be reinstated according to part 4740.0205.

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

4740.0205 REINSTATEMENT OF EXPIRED LICENSE.

Subpart 1. **Guidelines for reinstatement.** An expired license shall be reinstated if no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250; if the individual meets the education and supervision requirements of *Minnesota Statutes*, section 148B.21; if the individual passes the examination required in part 4740.0140; and if the individual pays the fees required in part 4740.0290, item J.

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

4740.0210 CONVERSION OF LICENSE RENEWAL PROCEDURES.

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

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

A. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period, and who was issued an odd-numbered license, which is due to be initially renewed according to part 4740.0195, item A, by June 30, 1991, that renewed license is current until the last day of the licensee's birth month in 1993.

For example, license number 00001 must be initially renewed by June 30, 1991, under part 4740.0195, item A. If the licensee's birth month is May, the licensee must renew the license again by May 31, 1993.

B. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued before January 1, 1990, an even-numbered license which is due to be initially renewed according to part 4740.0195, item B, on June 30, 1990, that renewed license is current until the last day of the licensee's birth month in 1992.

For example, a license numbered 00002 must be initially renewed by June 30, 1990, according to part 4740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1992.

C. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued after December 31, 1989, an even-numbered license which is due to be renewed according to part 4740.0195, item B, on June 30, 1992, that renewed license is current until the last day of the licensee's birth month in 1994.

For example, a license numbered 6000 must be initially renewed by June 30, 1992, according to part 4740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1994.

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

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

Subp. 4. **Licenses issued after June 30, 1989.** Licenses issued to persons who applied after June 30, 1989, will be current and effective from the effective date under part 4740.0180 until the last day of their birth month the second year after the initial licensing.

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After the initial licensure period, subsequent renewal periods shall be biennial cycles that begin on the first day of the month following the licensee's birth.

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

Subp. 5. **Conversion period and fees.** A licensee who applied for a license during the transition period, and who renews that license according to the conversion under subpart 2, shall pay the prorated renewal fees required by items A to D. All renewals after the conversion period must be accompanied by the renewal fee in part 4740.0290, item F.

A. Licensees due to be renewed June 30, 1990, and having a birth month between January 1 and June 30, 1992, will pay the renewal fee under part 4740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

B. Licensees due to be renewed June 30, 1990, and having a birth month between July 1 and December 31, 1992, will pay the renewal fee under part 4740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

C. Licensees due to be renewed June 30, 1991, and having a birth month between January 1 and June 30, 1993, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

D. Licensees due to be renewed June 30, 1991, and having a birth month between July 1 and December 31, 1993, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

E. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between January 1 and June 30, 1994, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

F. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between July 1 and December 31, 1994, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

Subp. 6. **Initial license period and fees.** An individual who is initially licensed by the board after June 30, 1989, shall pay the social work application fee, examination fee, and biennial renewal fees in part 4740.0290, as provided in items A to C.

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

B. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the license renewal fee in part 4740.0290, item F.

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

4740.0220 INACTIVE LICENSE STATUS.

Subpart 1. **Application.** An application for an inactive license must be submitted before the expiration of the license period. Upon receiving notice of the board's approval of the application, the licensee must discontinue practicing social work, cease displaying his or her license, and pay the inactive status fee in part 4740.0290, item I.

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

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

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

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

A. Licensed social workers who have not completed the required two years or 4,000 hours of supervised practice as defined in part 4740.0130, subpart 3, must meet that requirement in addition to any specified in subpart 3.

B. Licensed graduate social workers are required by part 4740.0130, subpart 4, to document 50 hours of supervision at each renewal. Licensed graduate social workers returning to active status who have been on inactive status for more than five years must meet the requirements of subpart 3, before applying to take an examination for a higher level license.

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

4740.0225 EMERITUS LICENSE STATUS.

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

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

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

C. by paying the one-time emeritus fee.

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

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

Subp. 4. **Reactivating license.** In the exceptional case that a social worker issued an emeritus license should wish to resume practicing, the board shall reactivate the license according to the procedure in part 4740.0220, subpart 5, for reactivating an inactive license. The person seeking reactivation must notify the board of the intent to resume practice, agree to the supervision requirement if applicable, document that the licensee has completed the required continuing education, pay the inactive status fees for the emeritus period, and pay the prorated renewal fee sufficient to return to the biannual birth month renewal schedule. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before emeritus status was granted or during the emeritus status.

If a person has had an emeritus license more than five consecutive years, the licensee must receive 25 hours of supervision during the first 12-month period. This must be documented at the time of renewal.

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4740.0230 CHANGE OF ADDRESS.

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

4740.0240 VOLUNTARY TERMINATION OF LICENSE.

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee in writing if the request is approved or denied. A licensee who has voluntarily terminated a license must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date of the voluntary termination. An individual whose request for voluntary termination has been accepted by the board or whose license has expired shall not use the title for which the license was issued and shall not practice, offer to practice, advertise, or otherwise represent himself or herself as authorized to practice social work. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310. Nothing in this part shall preclude the board from taking disciplinary action against a licensee based on conduct occurring before the voluntary termination.

4740.0250 SUSPENSION OR REVOCATION OF LICENSE.

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

4740.0260 SUSPENDED OR REVOKED LICENSE.

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

4740.0270 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 4740.0285.

A request for a variance must be submitted to the board in writing and must contain:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative measures that will be taken to protect the public if a variance is granted;

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

E. additional information that the board requests from the applicant, that relates to the request for a variance.

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

A. the variance will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;

B. the alternative measures to be taken, if any, are equivalent or superior to those prescribed in the part for which the variance is requested; and

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

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

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

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.

4740.0285 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education requirements.** At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed 30 continuing education hours of approved continuing education during each biennium of licensure.

A person licensed during the transition period under part 4740.0195 may include and count continuing education programs from January 1989 for credit at the time of the first license renewal if the program meets the requirements in subparts 2 to 11.

Subp. 2. **Transition period.** For licensees who are issued even-numbered licenses during the transition period under part 4740.0195, item B, 15 continuing education hours are required for the one-year, one time only, license renewal.

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

Subp. 4. **Content areas for continuing education.** Continuing education programs approved under subparts 9 to 11 must contain one of the following content areas related to social work practice:

A. theories and concepts of human behavior and the social environment;

B. social work practice/knowledge and skills;

C. social work research, program, or practice evaluation;

D. management/administration/social policy;

E. social work ethics; or

F. an area, chosen by the board, deemed to be of current importance.

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

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

A. Academic course work:

(1) courses and seminars given by accredited social work programs;

(2) postgraduate courses from a university, college, or other institution of higher education, in a field other than social work, upon proof that the course is relevant to social work practice;

(3) undergraduate courses from a university, college, or other institution of higher education, if they can be shown to update or enhance the licensee's social work competency. Course and supporting information must accompany the request; and

(4) correspondence work, televised courses, audiovisual, video tapes, and other forms of self study, shown to update or enhance competency. These activities must be preapproved by the board. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Documentation must include the following information:

(1) the title of the activity;

(2) the number of credit hours for the activity;

(3) the name of the provider or sponsor of the activity; and

(4) the date and location of the course.

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

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

(a) a copy of the certificate, if any, the provider or sponsor issued to the participants;

(b) the certificate of attendance, if any, provided by the program sponsor with all information completed; or

(c) an affidavit signed by the program or course instructor that the licensee attended the workshop, conference, or institute.

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

(a) a copy of the program for the lecture or presentation;

(b) a notice of publication of the written material; or

(c) other material that may be requested by the board.

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

(a) a copy of the transcript; or

(b) a report signed by the instructor of hours attended.

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

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

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

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

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

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

(1) a statement of the objectives and goals of the program or course, including the knowledge and skills each participant is expected to gain upon completion;

(2) a description of the content of the program or course, including a detailed agenda;

(3) a description of the teaching method to be used;

(4) a copy of the evaluation form to be used by the participants; and

(5) a listing of the qualifications of each instructor as evidence of the instructor's current knowledge and skill in the program or course subject.

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

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

Subp. 11. **Board review of continuing education sponsor applications.**

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

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

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

4740.0290 FEES.

The fees in items A to K 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, payable in addition to application fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

C. Examination and reexamination fees, payable in addition to application fee, not to exceed $200.

D. License by reciprocity fee, payable in addition to application fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

E. Transition or grandparenting, one-year group, renewal fee:

(1) licensed social worker, $30;

(2) licensed graduate social worker, $50;

(3) licensed independent social worker, $75;

(4) licensed independent clinical social worker, $75.

F. Biennial renewal fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

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(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

G. Emeritus, $30.

H. Duplicate license, $15.

I. Inactive status fee:

(1) licensed social worker, $30;

(2) licensed graduate social worker, $50;

(3) licensed independent social worker, $75;

(4) licensed independent clinical social worker, $75.

J. Fee for restoration of license after suspension, revocation, or expiration:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

K. Application fee for continuing education program:

(1) single program, $25;

(2) three to five programs, $65;

(3) six to ten programs, $135;

(4) more than ten programs, $250.

4740.0300 CODE OF ETHICS.

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

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.

4740.0310 ETHICAL STANDARDS.

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

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

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

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

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

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

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

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

Subp. 4. **Code of personal conduct.** The licensee must demonstrate objectivity, integrity, and sound standards in the interest of service to the public and to the profession. Licensed status shall not be used as a claim, promise, or guarantee of successful service, nor shall the license be used to imply that the licensee has competence in another service. The licensee shall not misrepresent professional qualifications, affiliations, and licenses of the licensee or the institutions and organizations with which the licensee is associated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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participant or the legally appointed guardian. In the case of a minor, informed consent must be obtained from a parent or legally appointed guardian.

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

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

State Board of Chiropractic Examiners

Adopted Permanent Rules Relating to the Practice of Chiropractic

The rule proposed and published at *State Register*, Volume 14, Number 44, pages 2530-2531, April 30, 1990 (14 SR 2530) is adopted as proposed.

Department of Revenue

Adopted Permanent Rules Relating to Single Return Filing by Affiliated Corporations

The rule proposed and published at *State Register*, Volume 14, Number 36, pages 2156-2158, March 5, 1990 (14 SR 2156) is adopted with the following modifications:

Rule as Adopted

8019.0405 UNITARY GROUP FRANCHISE TAX RETURN.

Subp. 3. **Taxable year.** A single return must be filed on the basis of the designated member's taxable year. Each member must adopt the designated member's annual accounting period for the first and subsequent single return years in which the member is included in the unitary group.

When a corporation becomes a member of the unitary group during the taxable year, its ~~tax~~ taxable year must end on the same date as the designated member. When a corporation ceases to be a member of the unitary group during the taxable year, its ~~tax~~ taxable year must begin on the same date as the designated member's ~~tax~~ taxable year.

Subp. 4. **Election.** In order to elect to file a single return as provided in subdivision 1, all members of ~~the~~ a unitary group that are subject to Minnesota franchise taxes must make a written election ~~to file a single return~~. The election must be filed with the single return in the form prescribed by the commissioner of revenue and contain:

A. the names of all members;

B. the Minnesota and federal employer identification numbers for each member; and

~~Subp. 6. Payment of tax. All taxes, penalties, interest, or additions to tax must be paid by the designated member on behalf of the unitary group. The designated member is responsible for the payment of all changes in tax liability or assessments for the taxable year.~~

Subp. ~~7.~~ 6. **Liability for tax.** Every corporation that ~~was~~ is a member of a unitary group during any part of a single return year is severally liable for the taxes, penalties, interest, or additions to tax of the unitary group for that taxable year provided, however, that the designated member is primarily responsible for payment of the taxes, penalties, interest, or additions to tax for the taxable year.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : December 12, 1990

Dec 12-13-90

TO : PATRICIA NOLTE
Legal Assistant

FROM : THOMAS M. McSTEEN Tom
Special Assistant
Attorney General

PHONE : 297-5944

SUBJECT : In the Matter of the Proposed Adoption of Rules of the Board of Social Work Relating to Social Work Licenses

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1990) and Minn. Rules pt. 2010.0300 (1989), are the following documents to support the above-referenced rule:

1. Notice of Solicitation of Outside Information or Opinion, as published in the State Register, dated June 19, 1989;

2. Certificate of Board's Authorizing Resolution, dated July 6, 1990;

3. Rules as proposed with a certificate of approval as to form by the Revisor of Statutes attached, dated August 20, 1990;

4. Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing, dated August 17, 1990;

5. Statement of Need and Reasonableness, dated August 23, 1990 (as submitted to LCRAR);

6. Letters to the Legislative Commission to Review Administrative Rules, the House Appropriations Committee, and the Senate Finance Committee, all dated August 20, 1990;

7. Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing (as published in the State Register on September 4, 1990);

8. Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing, dated October 4, 1990;

9. Letters to the Legislative Commission to Review Administrative Rules, the House Appropriations Committee, and the Senate Finance Committee, all dated October 9, 1990;

10. Affidavit of Mailing the Alternative Notices of Intent to Adopt Rules and a Certificate of the Mailing List, dated October 9, 1990;

11. Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing (as published in the State Register on October 15, 1990);

12. Rules as adopted (original and three copies);

13. Certificate of Board's Resolution Adopting Rules, dated December 7, 1990;

14. Findings of Fact, Conclusions, and Order Adopting Rules Without a Public Hearing, dated December 7, 1990;

15. Declaration of Counsel, dated December 12, 1990.

TMM/jah/CP7
Enclosures
cc: Board Office (w/enclosures)

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(2) two members shall be private agency social workers;

(3) one member shall be engaged in private practice;

(4) one member shall be an educator engaged in regular teaching duties at an accredited program of social work; and

(5) in addition, at least two members shall be persons of color and at least four members shall reside outside of the seven-county metropolitan area.

Subd. 3. **Members of first board appointed.** Members of the first board appointed according to subdivisions 1, clause (1), and 2, clauses (1) to (5), need not be licensed, but must meet all qualifications, other than payment of fees, to be eligible for licensure under sections 148B.18 to 148B.28.

Subd. 4. **Officers and executive secretary.** The board shall annually elect from its membership a chair, vice-chair, and secretary-treasurer, and shall adopt rules to govern its proceedings. The board shall appoint and employ an executive secretary who is not a member of the board.

Subd. 5. **Terms and salaries.** Chapter 214 applies to the social work licensing board unless superseded by sections 148B.18 to 148B.28.

History: *1987 c 347 art 2 s 2*

148B.20 DUTIES OF THE BOARD.

Subdivision 1. **General.** The social work licensing board shall:

(a) Adopt and enforce rules for licensure of social workers and for regulation of their professional conduct. The rules must be designed to protect the public.

(b) Adopt rules establishing standards and methods of determining whether applicants and licensees are qualified under sections 148B.21 to 148B.23. The rules must make provision for examinations and must establish standards for professional conduct, including adoption of a code of professional ethics and requirements for continuing education.

(c) Hold examinations at least twice a year to assess applicants' knowledge and skills. The examinations may be written or oral and may be administered by the board or by a body designated by the board. Examinations must test the knowledge and skills of each of the four groups of social workers qualified under section 148B.21 to practice social work. Examinations must minimize cultural bias and must be balanced in theory.

(d) Issue licenses to individuals qualified under sections 148B.18 to 148B.28.

(e) Issue copies of the rules for licensure to all applicants.

(f) Establish and implement procedures, including a standard disciplinary process, to ensure that individuals licensed as social workers will comply with the board's rules.

(g) Establish, maintain, and publish annually a register of current licensees.

(h) Establish initial and renewal application and examination fees sufficient to cover operating expenses of the board and its agents.

(i) Educate the public about the existence and content of the rules for social work licensing to enable consumers to file complaints against licensees who may have violated the rules.

(j) Evaluate its rules in order to refine the standards for licensing social workers and to improve the methods used to enforce the board's standards.

Subd. 2. **Continuing education committee.** The board shall appoint a continuing education committee that shall advise the board on the administration of continuing education requirements in sections 148B.18 to 148B.28. The committee chair shall be appointed by the board and shall be a member of the board. Four additional committee members shall be appointed by the board and need not be board members. The committee members and chair shall consist of licensed social workers, licensed independent social workers, and licensed independent clinical social workers as defined in section 148B.21, subdivision 6, and shall include:

(1) a social worker engaged in regular teaching duties at an accredited program of social work;

board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Subd. 4. Two or more health-related licensing boards or two or more non-health-related licensing boards may hold joint rule making proceedings on proposed rules relating to similar subject matters.

History: *1973 c 638 s 64; 1975 c 136 s 48; 1975 c 271 s 6; 1976 c 222 s 2,27; 1977 c 444 s 13,14; 1982 c 595 s 1; 1983 c 269 s 1; 1983 c 289 s 114 subd 1; 1984 c 655 art 1 s 92; 1985 c 247 s 25; 1986 c 444; 1986 c 464 s 2; 1987 c 347 art 1 s 21; 1987 c 404 s 156; 1988 c 667 s 27; 1989 c 282 art 2 s 54; 1990 c 571 s 40*

214.05 [Repealed, 1977 c 444 s 21]

214.06 FEES; LICENSE RENEWALS.

Subdivision 1. Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which the commissioner of health or the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128. For members of an occupation registered after July 1, 1984, by the commissioner of health under the provisions of section 214.13, the fee established must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for adoption of the rules providing for registration of members of the occupation. All fees received shall be deposited in the state treasury. Fees received by health-related licensing boards must be credited to the special revenue fund.

Subd. 2. Notwithstanding any law to the contrary, each health-related and non-health-related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1.

History: *1973 c 638 s 67; 1974 c 406 s 85; 1976 c 222 s 3; 1977 c 305 s 45; 1977 c 444 s 15; 1980 c 614 s 100; 1981 c 357 s 69; 1983 c 301 s 165; 1984 c 654 art 5 s 10; 1Sp1985 c 9 art 2 s 24; 1987 c 370 art 1 s 1; 1989 c 282 art 3 s 32; 1989 c 335 art 4 s 66*

214.07 REPORTS.

Subdivision 1. **Board reports.** The health-related licensing boards and the non-health-related licensing boards shall prepare reports according to this subdivision and subdivision 1a by October 1 of each even-numbered year. Copies of the reports shall be delivered to the legislature in accordance with section 3.195, and to the governor. Copies of the reports of the health-related licensing boards shall also be delivered to the commissioner of health. The reports shall contain the following information relating to the two-year period ending the previous June 30:

(a) a general statement of board activities;

(b) the number of meetings and approximate total number of hours spent by all board members in meetings and on other board activities;

(c) the receipts and disbursements of board funds;

(d) the names of board members and their addresses, occupations, and dates of appointment and reappointment to the board;

(e) the names and job classifications of board employees;

(f) a brief summary of board rules proposed or adopted during the reporting period with appropriate citations to the State Register and published rules;

(g) the number of persons having each type of license and registration issued by the board as of June 30 in the year of the report;

oriented course work as defined by the board and a supervised clinical field placement at the graduate level, or postmaster's clinical training that is found by the board to be equivalent to that course work and field placement;

(2) has practiced clinical social work for at least two years in full-time employment or 4,000 hours under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work;

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

(4) will conduct all professional activities as an independent clinical social worker in accordance with standards for professional conduct established by the rules of the board.

History: *1987 c 347 art 2 s 4*

148B.22 LICENSE RENEWAL REQUIREMENTS.

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

Subd. 2. **Continuing education.** At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed during each three-year period at least the equivalent of 45 clock hours of continuing professional postdegree education in programs approved by the board and continues to be qualified to practice under sections 148B.18 to 148B.28.

History: *1987 c 347 art 2 s 5*

148B.23 LICENSES; TRANSITION PERIOD.

Subdivision 1. **Exemption from examination.** For two years from July 1, 1987, the board shall issue a license without examination to an applicant:

(1) for a licensed social worker, if the board determines that the applicant has received a baccalaureate degree from an accredited program of social work, or that the applicant has at least a baccalaureate degree from an accredited college or university and two years in full-time employment or 4,000 hours of experience in the supervised practice of social work within the five years before July 1, 1989, or within a longer time period as specified by the board;

(2) for a licensed graduate social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board;

(3) for a licensed independent social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board; and, after receiving the degree, has practiced social work for at least two years in full-time employment or 4,000 hours under the supervision of a social worker meeting these requirements, or of another qualified professional; and

(4) for a licensed independent clinical social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline as approved by the board; and, after receiving the degree, has practiced clinical social work for at least two years in full-time employment for 4,000 hours under the supervision of a clinical social worker meeting these requirements, or of another qualified mental health professional.

Subd. 1a. **Extension of transition period allowed.** The board may issue a graduate social worker license without examination, after the transition period that ends June 30, 1989, to an applicant:

(1) who met the criteria in subdivision 1, clause (2), before the transition period ended; and

oriented course work as defined by the board and a supervised clinical field placement at the graduate level, or postmaster's clinical training that is found by the board to be equivalent to that course work and field placement;

(2) has practiced clinical social work for at least two years in full-time employment or 4,000 hours under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work;

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

(4) will conduct all professional activities as an independent clinical social worker in accordance with standards for professional conduct established by the rules of the board.

History: *1987 c 347 art 2 s 4*

148B.22 LICENSE RENEWAL REQUIREMENTS.

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

Subd. 2. **Continuing education.** At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed during each three-year period at least the equivalent of 45 clock hours of continuing professional postdegree education in programs approved by the board and continues to be qualified to practice under sections 148B.18 to 148B.28.

History: *1987 c 347 art 2 s 5*

148B.23 LICENSES; TRANSITION PERIOD.

Subdivision 1. **Exemption from examination.** For two years from July 1, 1987, the board shall issue a license without examination to an applicant:

(1) for a licensed social worker, if the board determines that the applicant has received a baccalaureate degree from an accredited program of social work, or that the applicant has at least a baccalaureate degree from an accredited college or university and two years in full-time employment or 4,000 hours of experience in the supervised practice of social work within the five years before July 1, 1989, or within a longer time period as specified by the board;

(2) for a licensed graduate social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board;

(3) for a licensed independent social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline, as approved by the board; and, after receiving the degree, has practiced social work for at least two years in full-time employment or 4,000 hours under the supervision of a social worker meeting these requirements, or of another qualified professional; and

(4) for a licensed independent clinical social worker, if the board determines that the applicant has received a master's degree from an accredited program of social work or doctoral degree in social work; or a master's or doctoral degree from a graduate program in a human service discipline as approved by the board; and, after receiving the degree, has practiced clinical social work for at least two years in full-time employment or 4,000 hours under the supervision of a clinical social worker meeting these requirements, or of another qualified mental health professional.

Subd. 1a. **Extension of transition period allowed.** The board may issue a graduate social worker license without examination, after the transition period that ends June 30, 1989, to an applicant:

(1) who met the criteria in subdivision 1, clause (2), before the transition period ended; and

(2) a public agency social worker;

(3) a private agency social worker;

(4) a social worker engaged in private practice;

(5) a public member as defined in section 214.02; and

(6) in addition, at least one member shall be a person of color and at least one member shall reside outside of the seven-county metropolitan area.

History: *1987 c 347 art 2 s 3*

148B.21 REQUIREMENTS FOR LICENSURE.

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

(1) social workers;

(2) graduate social workers;

(3) independent social workers; and

(4) independent clinical social workers.

Subd. 2. **Fee.** Each applicant shall pay a nonrefundable fee set by the board. Fees paid to the board shall be deposited in the general fund.

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

(1) has received a baccalaureate degree from an accredited program of social work;

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

(3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12, for at least two years in full-time employment or 4,000 hours; and

(4) will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the rules of the board.

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

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

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

(3) will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12; and

(4) will conduct all professional activities as a graduate social worker in accordance with standards for professional conduct established by the rules of the board.

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

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

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

(3) has practiced social work for at least two years in full-time employment or 4,000 hours under supervision as defined in section 148B.18, subdivision 12, after receiving the master's or doctoral degree in social work; and

(4) will conduct all professional activities as an independent social worker in accordance with standards for professional conduct established by the rules of the board.

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

(1) has received a master's degree from an accredited program of social work or doctoral degree in social work, that included an advanced concentration of clinical

Stat Auth. - attached copies of statutory authority

148B.171

The Office or Boards may adopt emergency rules under . . .

148B.20 subd 1(9)

The

November 15, 1990 end of comment period 30

published in State Register October 9

published twice - Sept 4, 1990 and Oct 15, 1990

180 limit

were emergency rules = became effective November 30, 1988 - Emergency rules would have expired within 6 months or a year - May 1989 or November 30, 1989

The authority is mandatory - There are changes from the emergency ~~rules~~ rules to these permanent rules. Since there were emergency rules I don't think these are considered new however due to the fact that the emergency rules have expired and there are changes from the Emergency rules I am not sure.

Rules
page 24, lines 1-4 seem rather vague

Fees
Met requirements of fees
permission from finance
and

Board of Social Work
Board of Marriage and Family Therapy
Board of Unlicensed Mental Health Service Providers

STATE OF MINNESOTA
Office of Social Work and Mental Health Boards

2700 University Avenue West • Suite 225 • St. Paul, Minnesota 55114 • (612) 643-2580

August 20, 1990

William G. Brown
Chief Administrative Law Judge
5th Floor, Flour Exchange Bldg.
310 - 4th Avenue South
Minneapolis, MN 55415

Dear Mr. Brown,

With regards to my request last week for assignment of an administrative law judge and request for hearing, and in accordance with Minnesota Statutes Chapter 1400, I am submitting to you the following documents:

A. Copy of proposed rules
B. Order for hearing
C. Notice of hearing proposed
D. Statement of persons expected
E. Statement of need and reasonableness
F. Statement of discretionary additional notice

Thank you for your assistance.

Sincerely,

Lori L. McPherson
Office Executive Director

aljnotf.ltr

Board of Social Work
Board of Marriage and Family Therapy
Board of Unlicensed Mental Health Service Providers

STATE OF MINNESOTA
Office of Social Work and Mental Health Boards

2700 University Avenue West • Suite 225 • St. Paul, Minnesota 55114 • (612) 643-2580

August 20, 1990

Ms. Maryanne Hruby
Legislative Commission to
Review Administrative Rules
Room 55, State Office Building
100 Constitution Ave.
St. Paul, MN 55155

Dear Ms. Hruby,

Enclosed please find a copy of the following documents in the matter of the proposed adoption of the permanent rules of the State of Minnesota governing the Board of Social Work:

-Proposed permanent rules
-Statement of need and reasonableness
-Alternative Notices

If you have any questions or comments, please feel free to call myself at 612-643-2585 or the Chairperson of the Board of Social Work, William Anderson at 612-643-2580.

Sincerely,

Lori L. McPherson
Office Executive Director

hruby.ltr

SEP-28-1990 10:10 FROM OFF. OF SW & MNTL HLTH BD TO 92972576 P.03

TOTAL P.03

Board of Social Work
Board of Marriage and Family Therapy
Board of Unlicensed Mental Health Service Providers

STATE OF MINNESOTA
Office of Social Work and Mental Health Boards

2700 University Avenue West • Suite 225 • St. Paul, Minnesota 55114 • (612) 643-2580

August 20, 1990

Representative Wayne Simoneau, Chair
House Appropriations Committee
Room 200, State Office Building
St. Paul, MN 55155

Dear Representative Simoneau,

In accordance with Minnesota Statutes Chapter 16A.127A, I have enclosed a copy of the following documents in the matter of the proposed adoption of the permanent rules of the State of Minnesota governing the Board of Social Work:

-Proposed permanent rules
-Statement of need and reasonableness
-Alternative Notices

The State of Minnesota Board of Social Work intends to publish the alternative notices in the September 3, 1990 edition of the State Register.

If you have any questions or comments, please feel free to call myself at 612-643-2585 or the Chairperson of the Board of Social Work, William Anderson at 612-643-2580.

Sincerely,

Lori L. McPherson
Office Executive Director

simoneau.ltr

Board of Social Work
Board of Marriage and Family Therapy
Board of Unlicensed Mental Health Service Providers

STATE OF MINNESOTA
Office of Social Work and Mental Health Boards

2700 University Avenue West • Suite 225 • St. Paul, Minnesota 55114 • (612) 643-2580

August 20, 1990

Senator Gene Merriam, Chair
Senate Finance Committee
122 Capitol
St. Paul, MN 55155

Dear Senator Merriam,

In accordance with Minnesota Statutes Chapter 16A.127A, I have enclosed a copy of the following documents in the matter of the proposed adoption of the permanent rules of the State of Minnesota governing the Board of Social Work:

-Proposed permanent rules
-Statement of need and reasonableness
-Alternative Notices

The State of Minnesota Board of Social Work intends to publish the alternative notices in the September 3, 1990 edition of the State Register.

If you have any questions or comments, please feel free to call myself at 612-643-2585 or the Chairperson of the Board of Social Work, William Anderson at 612-643-2580.

Sincerely,

Lori L. McPherson
Office Executive Director

merriam.ltr

SEP-28-1990 10:10 FROM OFF. OF SW & MNTL HLTH BD TO 92972576 P.02

STATE OF MINNESOTA
Board of Social Work

2700 University Avenue West • Suite 225 • St. Paul, Minnesota 55114 • (612)643-2580

October 9, 1990

Representative Wayne Simoneau, Chairperson
House Appropriations Committee
Room 200, State Office Building
St. Paul, Minnesota 55155

Dear Representative Simoneau:

In accordance with Minnesota Statutes Chapter 16A.127A, on August 23, 1990 the Board sent you a copy of the following documents in the matter of the proposed adoption of the permanent rules of the State of Minnesota, governing the Board of Social Work:

-Proposed Permanent Rules
-Statement of Need and Reasonableness
-Alternative Notices

Due to procedural defects, the Board is republishing its notice of intent to adopt permanent rules in the October 15th, 1990 issue of the State Register, Volume 15, Issue 16.

If you would like additional copies of the above mentioned documents or if you have questions or concerns please feel free to contact me at the Board office (612/643-2587).

Sincerely,

Patricia J. Puetz
Executive Director

Celebrate MINNESOTA 1990

STATE OF MINNESOTA
Board of Social Work

2700 University Avenue West • Suite 225 • St. Paul, Minnesota 55114 • (612)643-2580

October 9, 1990

Senator Gene Merriam, Chairperson
Senate Finance Committee
Room 122 Capitol Building
St. Paul, Minnesota 55155

Dear Senator Merriam:

In accordance with Minnesota Statutes Chapter 16A.127A, on August 23, 1990 the Board sent you a copy of the following documents in the matter of the proposed adoption of the permanent rules of the State of Minnesota, governing the Board of Social Work:

-Proposed Permanent Rules
-Statement of Need and Reasonableness
-Alternative Notices

Due to procedural defects, the Board is republishing its notice of intent to adopt permanent rules in the October 15th, 1990 issue of the State Register, Volume 15, Issue 16.

If you would like additional copies of the above mentioned documents or if you have questions or concerns please feel free to contact me at the Board office (612/643-2587).

Sincerely,

Patricia J. Puetz
Executive Director

Celebrate MINNESOTA 1990

STATE OF MINNESOTA
Board of Social Work

2700 University Avenue West • Suite 225 • St. Paul, Minnesota 55114 • (612)643-2580

October 9, 1990

Maryanne Hruby
Legislative Commission to Review
Administrative Rules
Room 55, State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Dear Ms. Hruby:

On August 23, 1990 the Board sent you a copy of the following documents in the matter of the proposed adoption of the permanent rules of the State of Minnesota, governing the Board of Social Work:

-Proposed Permanent Rules
-Statement of Need and Reasonableness
-Alternative Notices

Due to procedural defects, the Board is republishing its notice of intent to adopt permanent rules in the October 15th, 1990 issue of the State Register, Volume 15, Issue 16. I have attached a copy of the revised notice for your files.

If you would like additional copies of the above mentioned documents or if you have questions or concerns please feel free to contact me at the Board office (612/643-2587).

Sincerely,

Patricia J. Puetz

Patricia J. Puetz
Executive Director

Celebrate MINNESOTA 1990

STATE OF MINNESOTA **BEFORE THE MINNESOTA**

COUNTY OF RAMSEY **BOARD OF SOCIAL WORK**

In the Matter of the Proposed Adoption of Rules of the Board of Social Work Relating to Social Worker Licenses

AFFIDAVIT OF MAILING THE ALTERNATIVE NOTICES OF INTENT TO ADOPT RULES AND A CERTIFICATE OF THE MAILING LIST

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Patricia J. Puetz, being duly sworn, says:

I hereby certify that the attached list of persons and associations who have requested, pursuant to Minn. Stat. 14.14, subd. 1 (a) and 14.22 or 14.30, that their names be placed on the Board of Social Work rulemaking mailing list is accurate, complete, and current as of this 9th day of October, 1990.

That on the 9th day of October, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Alternative Notices of Intent to Adopt Rules by depositing in the State of Minnesota, Department of Health's Mail Delivery System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Patricia J. Puetz
Executive Director

Subscribed and sworn to before me

this 9th day of October, 1990.

Lois Kauppila
Notary Public

LOIS KAUPPILA
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 28, 1992

BOARD OR SOCIAL WORK
RULE MAIL
UPDATE: October 8, 1990

Mary Absolon
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St. Paul, MN 55104

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Crime Victims Center
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Craig Amoth
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Gary Anderson
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White Bear Lake, MN 55110

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Minneapolis, MN 55402

Jean Dawson
MN. Govt. Report
State Capitol, B-28 Press Room
St. Paul, MN 55155

Michael Dean
3891 Worchester Drive
Eagan, MN 55123

Zona DeWitt
Legis. Ref. Library
645 State Office Bldg.
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CERTIFICATE OF THE

BOARD OF SOCIAL WORK

RESOLUTION ADOPTING RULES

I, William Anderson, do hereby certify that I am a member and the president of the Minnesota Board of Social Work (hereinafter "Board"), 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, duly and properly called and held on the 7th day of December, 1990, 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 standards and methods of licensure and standards for professional conduct are approved and adopted pursuant to authority vested in the Board by Minn. Stat. § 148B.20, subd. 1. Patricia J. Puetz, Executive Director of the Board, is authorized to sign the findings of fact, conclusions and order adopting the rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the Attorney General (or other stated circumstances) and to perform the

necessary acts to provide that the rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this day of December 7, 1990.

WILLIAM ANDERSON
Chairperson

Attest by one other Board member

RECEIVED

DEC 12 1990

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

State Board of Social Work

Notice of Solicitation of Outside Information or Opinion Regarding Proposed Permanent Rules Governing the Licensure of Social Workers

NOTICE IS HEREBY GIVEN that the State of Minnesota Board of Social Work is seeking information or opinions from sources outside the board in preparing to propose the adoption of permanent rules governing licensure of social workers, including but not limited to procedures and standards relating to licensing requirements, scope of authorized practice, fees, continuing education requirements, rules of conduct and disciplinary procedures. The adoption of the rules is authorized by *Minnesota Statutes*, Section 148B.20, which requires the board to adopt and enforce rules for social work licensing.

The State of Minnesota Board of Social Work requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Mary Ann Murphy
Executive Director
Board of Social Work
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114

Oral statements will be received during regular business hours over the telephone at 612-643-2587 and in person at the above address.

All statements of information and opinion shall be accepted until July 31, 1989. Any written material received by the State of Minnesota Board of Social Work shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 12 June 1989

Mary Ann Murphy
Executive Director

Minnesota Department of Trade and Economic Development

Designation of Distressed Counties

Minnesota Statutes 297A.257 direct that the Commissioner of Trade and Economic Development designate annually on June 1, certain counties in the state as "economically distressed" if they qualify under provisions of the statute. There are two such provisions effective July 1, 1988 and beyond:

(1) That the county had an average unemployment rate of 10 percent or higher during the previous 12 months ending April 30 of the current year.

(2) That the average unemployment rate for the county was greater than 110 percent of the state average *and* 20 percent or more of the county's economy is dependent on agriculture.

Three counties qualify by meeting the 10 percent or more average unemployment rate criterion (May 1988-April 1989):

Clearwater	13.7%
Marshall	12.2%
Red Lake	14.8%

An additional thirty-four counties qualify by meeting the 20 percent or more agricultural dependency criterion *and* having unemployment rates 110 percent above the statewide average of 4.1 percent.

Aitkin	21.9/9.4	Martin	24.9/5.1
Becker	22.6/7.0	Meeker	36.1/7.4
Big Stone	28.5/5.0	Mille Lacs	23.0/5.7
Carlton	21.2/6.9	Morrison	25.7/7.2
Chippewa	23.1/5.3	Murray	35.3/5.5
Cottonwood	41.5/5.5	Norman	41.8/6.5
Dodge	23.3/4.6	Ottertail	27.4/5.8

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Social Worker Licenses

AGENCY: Board of Social Work

MINNESOTA RULES: Chapter 4740

The attached rules are approved for publication in the State Register

Kathleen T. Harrington
Assistant Revisor

Board of Social Work

Proposed Permanent Rules Relating to Social Worker Licenses

Rules as Proposed (all new material)

4740.0100 PURPOSE.

Parts 4740.0100 to 4740.0310 protect the public by:

A. setting standards of qualifications, training, and experience for those who seek to represent themselves to the public as social workers; and

B. promoting high standards of professional performance for those engaged in the practice of social work.

Parts 4740.0110 to 4740.0310 contain procedures and guidelines for licensing and regulating social workers.

4740.0110 DEFINITIONS.

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

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

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

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

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

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

Subp. 7. **Continuing education.** "Continuing education" means 30 continuing education hours within the biennial licensure period. Continuing education is education obtained by a professional social worker licensee to maintain, improve, or expand skills and knowledge related to the practice of social work as defined in parts 4740.0100 to 4740.0310.

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

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

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

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

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

Subp. 13. **Face-to-face supervision.** "Face-to-face supervision" means direct in-person supervision. Supervision via telephone or other live electronic media is acceptable supervision if it is logged or recorded and does not account for

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more than one-quarter of the total number of hours required under part 4740.0130.

Subp. 14. **Group supervision.** "Group supervision" means two or more supervisees with one supervisor. Group supervision must not exceed eight hours of the supervisory time required under part 4740.0130.

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

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

Subp. 17. **Interdisciplinary supervision.** "Interdisciplinary supervision" means team intervention or collaboration, which includes members of different professions or disciplines. Interdisciplinary supervision must not exceed eight hours of the total supervisory time required under part 4740.0130.

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

Subp. 19. **Peer supervision.** "Peer supervision" means collegial supervision. Peer supervision must not exceed eight hours of the total supervisory time required under part 4740.0130.

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

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

Subp. 22. **Supervisor.** "Supervisor" means a social worker

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who is licensed or was eligible for licensure during the transition period and under the emergency rules and who has the authority to direct the practice of the licensee. The supervisor must have completed the two years or 4,000 hours of supervised social work experience required under part 4740.0130 prior to providing supervision.

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

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

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

4740.0120 PROCEDURES FOR APPLICATION.

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

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

B. The required, nonrefundable fee as specified in part 4740.0290, payable to the Board of Social Work.

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

D. Where applicable, verification of two years or 4,000 hours of supervised experience in the practice of social work to be completed before the date of application.

E. A form provided by the board signed by the applicant's supervisor that states that the requirements for

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supervision under part 4740.0130 have been met. If an applicant cannot provide a signed statement from the supervisor, the board may accept alternative verification of supervision. The burden of proof of the required supervision rests with the applicant.

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

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

B. verification of the expected graduation date; and

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

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

4740.0130 SUPERVISION REQUIREMENTS.

Subpart 1. **General.** An applicant for a license by the board must show that the applicant has the supervised experience required under the appropriate subpart 3 to 6. The supervised work experience required for a licensee at the licensed social worker (LSW) level under subpart 3 must be documented by the licensee's first biennial renewal. The continuing supervision required for a licensee at the licensed graduate social worker (LGSW) level under subpart 4 must be documented at each license renewal. The supervised work experience required for licensure at the licensed independent social worker (LISW) level under subpart 5 and at the licensed independent clinical social worker (LICSW) level under subpart 6 must be documented at the time of application for those levels.

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

Subp. 3. **Licensed social worker (LSW).** For a licensed social worker (LSW), supervision qualifying an applicant as a licensed social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours of supervision during two years or 4,000 hours of social work practice. Supervision must be or have been provided by a licensed social worker or a social worker licensed at a higher level than the applicant. The applicant must provide verification of that supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a bachelor's degree and must be supervised, paid, social work experience.

Subp. 4. **Licensed graduate social worker (LGSW).** For a licensed graduate social worker (LGSW), supervision qualifying an applicant as a licensed graduate social worker consists of face-to-face, group, peer, or interdisciplinary supervision sessions for a minimum of 50 hours at each two-year renewal. Supervision must be or have been provided by a licensed social worker at least at the level of the applicant or at a higher level than the applicant. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required

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supervision rests with the licensee. Experience required under this subpart does not include internships or volunteer work. The experience must have been obtained after the applicant received a master's or doctorate degree and must be supervised, paid, social work experience.

Subp. 5. **Licensed independent social worker (LISW).** For a licensed independent social worker (LISW), supervision qualifying an applicant as a licensed independent social worker consists of face-to-face, group, or interdisciplinary supervision sessions for a minimum of 50 hours for two years or 4,000 hours of supervised social work practice. The supervision must have been obtained after the applicant received a master's or doctorate degree. The supervision must be or have been provided by a licensed independent social worker or licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from another qualified professional as defined under part 4740.0110, subpart 20. The burden of proof of the required supervision rests with the licensee.

Subp. 6. **Licensed independent clinical social worker (LICSW).** For a licensed independent clinical social worker (LICSW), supervision qualifying an applicant for an independent clinical social worker license includes review of a social worker's interaction with clients, with the goal of improving the social worker's clinical skills. Supervision must be conducted face-to-face or in group or interdisciplinary supervision sessions. The content may include but not be limited to discussion of case presentations, review of audio tapes, and direct observation of the social worker-client interaction by the supervisor. Supervision must have been provided for a minimum of 50 hours for the two years or 4,000 hours of supervised social work practice, in order to qualify the social worker for this level of licensure. The supervision must have been obtained after the applicant received a master's

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or doctorate degree. The supervision must have been provided by a licensed independent clinical social worker. Experience required under this subpart does not include internships or volunteer work. The applicant must provide verification of supervision. If that supervision is found by the board to be unobtainable, the board may accept supervision from a qualified mental health professional as defined in Minnesota Statutes, section 148B.18, subdivision 10. The burden of proof of the required supervision rests with the licensee.

4740.0140 EXAMINATION APPLICATION AND REEXAMINATION.

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

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

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

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

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

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

G. A licensee granted a licensed graduate social worker (LGSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for either the licensed independent social worker (LISW) license or the licensed independent clinical social worker license (LICSW) upon completion of supervision as required in part 4740.0130,

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subparts 5 and 6.

H. A licensee granted a licensed independent social worker (LISW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent clinical social worker (LICSW) license upon completion of supervision as required in part 4740.0130, subpart 6.

I. A licensee granted a licensed independent clinical social worker (LICSW) license during the transition period who did not have a Masters in Social Work degree from an accredited social work program may take the examination required for the licensed independent social worker (LISW) license upon completion of supervision as required in part 4740.0130, subpart 5.

4740.0145 DENIAL OF LICENSE.

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

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

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

4740.0150 RECIPROCITY.

The board may grant a license to an applicant who provides satisfactory verification that the applicant is licensed under the laws of states or territories of the United States that at the time of original licensure imposed substantially the same requirements as parts 4740.0100 to 4740.0310. To obtain a license under parts 4740.0100 to 4740.0310, the applicant must meet the conditions in items A to D.

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

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

C. If the applicant fails to provide satisfactory verification of supervision of the level applied for, or the board determines that the requirements imposed by the other states at the time of original licensure are not comparable to parts 4740.0100 to 4740.0310, then the applicant must pass the examination required by part 4740.0140.

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

4740.0160 ISSUANCE OF LICENSE.

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

4740.0170 DISPLAY OF LICENSE.

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

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4740.0180 TERM OF LICENSE, EFFECTIVE DATE.

An initial license is effective when the applicant has been issued a number after having paid the required fees. The applicant must pay the required fees within 60 days after the date of the board's approval of a license application. If after 60 days the board has not received an applicant's fee the applicant's file shall be closed and the applicant shall reapply according to part 4740.0120. Unless a license is revoked or suspended, it is initially valid for the period of time allowed in parts 4740.0195 and 4740.0210. It must be renewed according to parts 4740.0190, 4740.0195, 4740.0200, and 4740.0210.

4740.0185 DUPLICATE LICENSE.

A duplicate license may be issued for the fee set in part 4740.0290, item H, when the licensee notifies the board by certified statement that the original license was lost, stolen, or destroyed. The duplicate license shall be marked "duplicate" and the date of its issuance indicated. If the licensee has a name change, the board shall issue a new license when the licensee provides verification of the name change, surrenders the original license, and pays a duplicate license fee.

4740.0190 RENEWAL OF LICENSE.

A license granted in the transition period must be initially renewed according to part 4740.0195. Subsequent renewals of all licenses must be according to part 4740.0210. For a license to be renewed, a licensee must pay the renewal fee as defined in parts 4740.021[illegible] subpart 5, and 4740.0290, complete the appropriate numbe[illegible] continuing education hours, and, where applicable, show compli[illegible]e with supervision requirements of part 4740.0130.

4740.0195 RENEWAL OF LICENSES ISSUED IN THE TRANSITION PERIOD.

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

A. An odd-numbered license must be initially renewed

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by June 30, 1991.

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

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

4740.0200 RENEWAL APPLICATION PROCEDURES.

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

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

Subp. 3. **Expired license.** The failure to renew will result in an expired license. An expired license must be reinstated according to part 4740.0205.

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

4740.0205 REINSTATEMENT OF EXPIRED LICENSE.

Subpart 1. **Guidelines for reinstatement.** An expired license shall be reinstated if no fact, circumstance, or condition exists to justify revocation or suspension under part 4740.0250; if the individual meets the education and supervision

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requirements of Minnesota Statutes, section 148B.21; if the individual passes the examination required in part 4740.0140; and if the individual pays the fees required in part 4740.0290, item J.

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

4740.0210 CONVERSION OF LICENSE RENEWAL PROCEDURES.

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

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

A. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period, and who was issued an odd-numbered license, which is due to be initially renewed according to part 4740.0195, item A, by June 30, 1991, that renewed license is current until the last day of the licensee's birth month in 1993.

For example, license number 00001 must be initially renewed by June 30, 1991, under part 4740.0195, item A. If the licensee's birth month is May, the licensee must renew the license again by May 31, 1993.

B. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued before January 1, 1990, an even-numbered license which is due to be initially renewed according to part 4740.0195, item B, on June 30, 1990, that renewed license is current until the last

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day of the licensee's birth month in 1992.

For example, a license numbered 00002 must be initially renewed by June 30, 1990, according to part 4740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1992.

C. Beginning January 1, 1992, for a licensee who applied for licensure during the transition period and who was issued after December 31, 1989, an even-numbered license which is due to be renewed according to part 4740.0195, item B, on June 30, 1992, that renewed license is current until the last day of the licensee's birth month in 1994.

For example, a license numbered 6000 must be initially renewed by June 30, 1992, according to part 4740.0195, item B. If the licensee's birth month is September, the licensee must renew the license again by September 30, 1994.

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

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

Subp. 4. **Licenses issued after June 30, 1989.** Licenses issued to persons who applied after June 30, 1989, will be current and effective from the effective date under part 4740.0180 until the last day of their birth month the second year after the initial licensing. After the initial licensure period, subsequent renewal periods shall be biennial cycles that begin on the first day of the month following the licensee's birth.

For example, a licensee who was born in October, and who applied for and was issued a license on May 15, 1990, must initially renew the license by October 31,

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1992. The license must be subsequently renewed every two years, by October 31. The new renewal cycle begins November 1.

Subp. 5. **Conversion period and fees.** A licensee who applied for a license during the transition period, and who renews that license according to the conversion under subpart 2, shall pay the prorated renewal fees required by items A to D. All renewals after the conversion period must be accompanied by the renewal fee in part 4740.0290, item F.

A. Licensees due to be renewed June 30, 1990, and having a birth month between January 1 and June 30, 1992, will pay the renewal fee under part 4740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

B. Licensees due to be renewed June 30, 1990, and having a birth month between July 1 and December 31, 1992, will pay the renewal fee under part 4740.0290, item E, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

C. Licensees due to be renewed June 30, 1991, and having a birth month between January 1 and June 30, 1993, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

D. Licensees due to be renewed June 30, 1991, and having a birth month between July 1 and December 31, 1993, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

E. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between January 1 and June 30, 1994, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

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

F. Licensees with an approval date after January 1, 1990, and due to be renewed June 30, 1992, and having a birth month between July 1 and December 31, 1994, will pay the renewal fee under part 4740.0290, item F, prorated for the total number of months the license will be valid, at a rate of 1/24 of the biennial fee per month.

For example, during the conversion, the renewal cycle

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

Subp. 6. **Initial license period and fees.** An individual who is initially licensed by the board after June 30, 1989, shall pay the social work application fee, examination fee, and biennial renewal fees in part 4740.0290, as provided in items A to C.

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

B. The second license renewal made after the conversion period for the individual and all subsequent license renewals shall be assessed the license renewal fee in part 4740.0290, item F.

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

4740.0220 INACTIVE LICENSE STATUS.

Subpart 1. **Application.** An application for an inactive license must be submitted before the expiration of the license period. Upon receiving notice of the board's approval of the application, the licensee must discontinue practicing social work, cease displaying his or her license, and pay the inactive status fee in part 4740.0290, item I.

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

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

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

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

A. Licensed social workers who have not completed the required two years or 4,000 hours of supervised practice as defined in part 4740.0130, subpart 3, must meet that requirement in addition to any specified in subpart 3.

B. Licensed graduate social workers are required by part 4740.0130, subpart 4, to document 50 hours of supervision at each renewal. Licensed graduate social workers returning to active status who have been on inactive status for more than five years must meet the requirements of subpart 3, before applying to take an examination for a higher level license.

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

4740.0225 EMERITUS LICENSE STATUS.

Subpart 1. **Emeritus status; requirements.** A social worker duly licensed to practice social work in the state under

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Minnesota Statutes, chapter 148B, and who is retired from the active practice of social work, may apply to the board for emeritus status:

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

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

C. by paying the one-time emeritus fee.

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

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

Subp. 4. **Reactivating license.** In the exceptional case that a social worker issued an emeritus license should wish to resume practicing, the board shall reactivate the license according to the procedure in part 4740.0220, subpart 5, for reactivating an inactive license. The person seeking reactivation must notify the board of the intent to resume practice, agree to the supervision requirement if applicable, document that the licensee has completed the required continuing education, pay the inactive status fees for the emeritus period, and pay the prorated renewal fee sufficient to return to the biannual birth month renewal schedule. Nothing in this part precludes the board from taking disciplinary action against a licensee based on conduct occurring before emeritus status was granted or during the emeritus status.

If a person has had an emeritus license more than five consecutive years, the licensee must receive 25 hours of supervision during the first 12-month period. This must be documented at the time of renewal.

4740.0230 CHANGE OF ADDRESS.

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

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change.

4740.0240 VOLUNTARY TERMINATION OF LICENSE.

A licensee may request voluntary termination of a license by notifying the board in writing. The board shall notify the licensee in writing if the request is approved or denied. A licensee who has voluntarily terminated a license must return the license certificate and the most recent evidence of renewal to the board within ten days after the effective date of the voluntary termination. An individual whose request for voluntary termination has been accepted by the board or whose license has expired shall not use the title for which the license was issued and shall not practice, offer to practice, advertise, or otherwise represent himself or herself as authorized to practice social work. A licensee who voluntarily terminates a license may reapply for a license according to the requirements in parts 4740.0120 to 4740.0310. Nothing in this part shall preclude the board from taking disciplinary action against a licensee based on conduct occurring before the voluntary termination.

4740.0250 SUSPENSION OR REVOCATION OF LICENSE.

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

4740.0260 SUSPENDED OR REVOKED LICENSE.

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

4740.0270 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 4740.0285.

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A request for a variance must be submitted to the board in writing and must contain:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative measures that will be taken to protect the public if a variance is granted;

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

E. additional information that the board requests from the applicant, that relates to the request for a variance.

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

A. the variance will not adversely affect, directly or indirectly, the health, safety, or well-being of the public;

B. the alternative measures to be taken, if any, are equivalent or superior to those prescribed in the part for which the variance is requested; and

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

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

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

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.

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4740.0285 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education requirements.** At the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed 30 continuing education hours of approved continuing education during each biennium of licensure.

A person licensed during the transition period under part 4740.0195 may include and count continuing education programs from January 1989 for credit at the time of the first license renewal if the program meets the requirements in subparts 2 to 11.

Subp. 2. **Transition period.** For licensees who are issued even-numbered licenses during the transition period under part 4740.0195, item B, 15 continuing education hours are required for the one-year, one time only, license renewal.

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

Subp. 4. **Content areas for continuing education.** Continuing education programs approved under subparts 9 to 11 must contain one of the following content areas related to social work practice:

A. theories and concepts of human behavior and the social environment;

B. social work practice/knowledge and skills;

C. social work research, program, or practice evaluation;

D. management/administration/social policy;

E. social work ethics; or

F. an area, chosen by the board, deemed to be of current importance.

Subp. 5. **Nonacceptable subject areas.** Final determination of the acceptability of approved content areas rests with the board. Nonacceptable subjects include, but are not limited to, subjects contrary to the code of ethics, marketing, business, personal development, time management, and supervisory

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sessions. Staff orientation and agency activities that address procedural issues are ineligible. Where there is any question about the acceptability of a program, a licensee should inquire of the board.

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

A. Academic course work:

(1) courses and seminars given by accredited social work programs;

(2) postgraduate courses from a university, college, or other institution of higher education, in a field other than social work, upon proof that the course is relevant to social work practice;

(3) undergraduate courses from a university, college, or other institution of higher education, if they can be shown to update or enhance the licensee's social work competency. Course and supporting information must accompany the request; and

(4) correspondence work, televised courses, audiovisual, video tapes, and other forms of self study, shown to update or enhance competency. These activities must be preapproved by the board. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

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

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

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

E. Individual activities such as lectures, publications of professional articles, course or conference

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presentation, or research leading to publication or presentation. The activities must be approved by the board on an individual basis. No more than ten hours from this category will be acceptable as continuing education for each renewal cycle.

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

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

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

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

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

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

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

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

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

A. When the licensee applies for renewal of the

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

B. Documentation must include the following information:

(1) the title of the activity;

(2) the number of credit hours for the activity;

(3) the name of the provider or sponsor of the activity; and

(4) the date and location of the course.

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

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

(a) a copy of the certificate, if any, the provider or sponsor issued to the participants;

(b) the certificate of attendance, if any, provided by the program sponsor with all information completed; or

(c) an affidavit signed by the program or course instructor that the licensee attended the workshop, conference, or institute.

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

(a) a copy of the program for the lecture or presentation;

(b) a notice of publication of the written material; or

(c) other material that may be requested by the board.

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

(a) a copy of the transcript; or

(b) a report signed by the instructor of

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hours attended.

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

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

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

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

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

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

(1) a statement of the objectives and goals of the program or course, including the knowledge and skills each participant is expected to gain upon completion;

(2) a description of the content of the program or course, including a detailed agenda;

(3) a description of the teaching method to be used;

(4) a copy of the evaluation form to be used by the participants; and

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(5) a listing of the qualifications of each instructor as evidence of the instructor's current knowledge and skill in the program or course subject.

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

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

Subp. 11. **Board review of continuing education sponsor applications.**

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

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

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

4740.0290 FEES.

The fees in items A to K 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.

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

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

C. Examination and reexamination fees, payable in addition to application fee, not to exceed $200.

D. License by reciprocity fee, payable in addition to application fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

E. Transition or grandparenting, one-year group, renewal fee:

(1) licensed social worker, $30;

(2) licensed graduate social worker, $50;

(3) licensed independent social worker, $75;

(4) licensed independent clinical social worker, $75.

F. Biennial renewal fee:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

G. Emeritus, $30.

H. Duplicate license, $15.

I. Inactive status fee:

(1) licensed social worker, $30;

(2) licensed graduate social worker, $50;

(3) licensed independent social worker, $75;

(4) licensed independent clinical social worker,

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$75.

J. Fee for restoration of license after suspension, revocation, or expiration:

(1) licensed social worker, $60;

(2) licensed graduate social worker, $100;

(3) licensed independent social worker, $150;

(4) licensed independent clinical social worker, $150.

K. Application fee for continuing education program:

(1) single program, $25;

(2) three to five programs, $65;

(3) six to ten programs, $135;

(4) more than ten programs, $250.

4740.0300 CODE OF ETHICS.

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

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.

4740.0310 ETHICAL STANDARDS.

Subpart 1. **Responsibility to clients.** A licensee's primary professional responsibility is to the client. The licensee shall make every effort to advance the welfare and best interests of families, individuals, groups, and communities. A licensee must respect the rights, including the right to self-determination, of those persons seeking assistance. A licensee must perform professional duties on the highest levels of integrity and confidentiality and shall not hesitate to ask for assistance from other professional disciplines when

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circumstances dictate. A licensee must protect the public against, and shall report, unethical, incompetent, and dishonorable practices by social workers and other regulated health professionals to the board or other appropriate authority, as required under Minnesota Statutes, section 626.556, governing reporting of maltreatment of minors, or 626.557, governing reporting of maltreatment of vulnerable adults, and as required under Minnesota Statutes, section 148B.07, subdivision 4, governing reporting unprofessional conduct or mental incompetence, or other incompetence of licensed professionals.

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

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

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

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

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

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

E. The licensee must recognize the importance of clear understandings of financial matters with clients. Fees and payments must be arranged at the beginning of the

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relationship. Bartering between the licensee and the licensee's client in establishing fees and payments is not allowed.

Subp. 4. **Code of personal conduct.** The licensee must demonstrate objectivity, integrity, and sound standards in the interest of service to the public and to the profession. Licensed status shall not be used as a claim, promise, or guarantee of successful service, nor shall the license be used to imply that the licensee has competence in another service. The licensee shall not misrepresent professional qualifications, affiliations, and licenses of the licensee or the institutions and organizations with which the licensee is associated.

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

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

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

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

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

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

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

H. A licensee shall not permit a student, trainee, or intern under supervision to perform, nor endorse any claim to be

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competent to perform, professional services beyond the student's, trainee's, or intern's level of training.

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

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

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

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

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

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

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

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

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

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

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

E. A licensee must report suspected abuse of children

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

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 the legally appointed guardian. In the case of a minor, informed consent must be obtained from a parent or legally appointed guardian.

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

Approved
by Revisor _____

STATE OF MINNESOTA
BOARD OF SOCIAL WORK

In the matter of the proposed Adoption of Board of Social Work Rules governing Social Work Licensure, Parts 4740.0100 to 4740.0310

CERTIFICATE OF AUTHORIZING RESOLUTION FOR RULE WITH OR WITHOUT A PUBLIC HEARING

CERTIFICATE OF THE
Board of Social Work
AUTHORIZING RESOLUTION

I, William A. Anderson, 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 6th day of July, 1990, 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 William A. Anderson, a member 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 a rule with or without a public hearing governing the licensure of social workers to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 6th day of July, 1990.

William A Anderson
(Chairperson)

Attest by one other Board Member

Board of Social Work

In the Matter of the Proposed Adoption of the Permanent Rules of the State of Minnesota Governing the Board of Social Work

ALTERNATIVE NOTICES: NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I. EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Social Work (hereinafter "Board") is hereby giving notice of its intent to adopt rules without public hearing under the noncontroversial rulemaking procedure of Minnesota Statutes sections 14.22 to 14.28 (1988). However, in the event that 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minnesota Statutes section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of hearing on the proposed rules pursuant to Minnesota Statutes sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that a hearing be held. The comment period will close on October 2, 1990. This period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State of Minnesota Board of Social Work (hereinafter "Board") intends to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.22 to 14.28 (1988).

All persons have 30 days from the date this notice is published in the State Register in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30 days will expire October 2, 1990. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule 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 rule as noticed.

Any person may make a written request for a public hearing on the proposed rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is not required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing must be submitted to:

Patricia Puetz, Executive Director
State of Minnesota Board of Social Work
2700 University Avenue, Suite 225
St. Paul, MN 55114
(612) 643-2580

The statutory authority to adopt the rule is contained in Minnesota Statutes Sections 148B.17, 148B.20, Subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules will be published in the State Register issue of September 3, 1990, Volume 15, Number 10, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land - see Minnesota Statutes Section 14.11 (1988). It is the position of the Board that it is not subject to Minnesota Statutes section 14.115 (1988) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statutes section 14.115, subdivision 2 for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 rules as adopted should submit a written request to the Board at the address listed above.

III. NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

Please note that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in part II above, a hearing will be held on October 29, 1990 in accordance with the following notice of public hearing.

Notice is hereby given that a public hearing in the above-captioned matter

will be held pursuant to Minnesota Statutes sections 14.131 to 14.20 (1988), in room 225, Colonial Office Park, 2700 University Avenue West, St. Paul, MN 55114, on October 29, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to George A. Beck, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three day period. This rule hearing procedure is governed by Minnesota Statutes Sections 14.131 to 14.20 (1988) and by Minnesota Rules Parts 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules will be published in the State Register issue of September 3, 1990, Volume 15, Number 10, and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

The statutory authority to adopt the rule is contained in Minnesota Statutes Sections 148B.17, 148B.20 subd. 1 (a), (b), (f), (h), 148B.21 Subd. 2, 148B.22, Subd. 1, 148B.23 Subd. 3, and 214.06 (1988).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in Minnesota Statutes section 10A.01, Subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses or membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) who spends more that $250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence

legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, MN 55101, telephone number (612) 296-5615.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land - see Minnesota Statutes Section 14.11 (1988).

It is the position of the Board that it is not subject to Minnesota Statutes section 14.115 (1988) regarding small business considerations in rule-making. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statutes section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

IV. Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

Please note that the hearing, notice of which is given in part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above.

To be informed whether the hearing notice in Part III above will be held, please call or write the Board before October 22, 1990 and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

William A Anderson

Dated: 17 August 1990

William Anderson, Chairperson
Board of Social Work
(612) 643-2580

STATE OF MINNESOTA
SOCIAL WORK LICENSING BOARD

IN THE MATTER OF THE ADOPTION OF MINNESOTA RULES PARTS 4740.0110 - 4740.0310 GOVERNING ADMINISTRATION OF LICENSURE OF SOCIAL WORKERS.

STATEMENT OF NEED AND REASONABLENESS.

Purpose of the Board of Social Work:

The purpose of the Board of Social Work is to protect the public by setting standards of qualifications, training, experience, professional performance and ethics for those who seek to represent themselves to the public as social workers.

Statutory Background of the Board of Social Work:

Authority for the Board to carry out its purpose is contained under Minnesota Statutes, sections 148B.18 through 148B.28.

Authority for the Board to develop the details of its programs (most importantly licensing of social workers) through rulemaking is contained under Minnesota Statutes, sections 148B.20, subdivision 1 (a) (rules for licensure) and (b) (rules for establishing standards for determining qualifications of applicants and licensees) and (j) (requirement to evaluate its rules in order to refine the standards used to enforce the Board's standards).

Authority to adopt emergency and permanent rules regarding transition periods for licensing is under Minnesota Statutes, section 148B.23, subdivision 3.

Promulgation Procedures:

To develop the proposed permanent rules the Board started by incorporating into the proposed permanent rules most of the provisions of the emergency rules that first became effective November 30, 1988. The differences between the emergency rule and the proposed permanent rules are summarized as follows:

A. The proposed permanent rules further specify and expand the supervision requirements.

B. The reconsideration process after denial of license was replaced with a reapplication process.

C. A requirement for reporting of any disciplinary actions taken was added to the reciprocity requirement for verification from the state that also licenses the applicant.

D. A provision for replacing lost or stolen licenses was

added.

E. A renewal application process was added.

F. A section on license renewal procedures for renewal of licenses acquired before the promulgation of permanent rules was added.

G. The emeritus license status was added.

H. The voluntary termination of license section was added.

I. The continuing education requirements were added.

J. A section on fees including examination fees, reciprocity fees, and other fees, was added.

To further develop and prepare the proposed permanent rules the Board followed the procedures mandated by the Administrative Procedures Act and rules of the Office of Administrative Hearings. A notice of intent to solicit outside opinion was published in the State Register on June 19th, 1989. Drafts of the proposed rules were distributed to affected persons and groups. Comments received were reviewed and considered by the Board when it completed the proposed rules.

Small business considerations:

Minnesota Statutes, section 14.115 requires administrative agencies, when proposing a rule or an amendment to an existing rule, to consider various methods for reducing the impact of the proposed rule or amendment on small businesses and to provide opportunity for small businesses to participate in the rulemaking process. It is the Board's position that the rules will not affect small businesses.

The rules will establish licensing procedures for social workers, clarify the ethical responsibilities of licensed social workers, and differentiate different types of social work licenses. Licensure is for individuals, not businesses. Licensing authorizes providers to provide professional social work services independent of whether or not the services are performed as part of a small business.

However, should the rules in some way be construed as affecting small businesses, the Board reviewed the suggested methods for reducing the impact of the rules on small businesses and noted that those methods basically relate to compliance and reporting requirements and performance standards. The proposed rules do not address these matters but instead define terms, clarify ambiguities in the law, and establish procedures for licensing.

Potential licensees, regardless of whether they are considered as individuals or small businesses, will have participated in the rulemaking process and will continue to have the opportunity to participate throughout the permanent rulemaking process.

4740.0110 DEFINITIONS.

Scope, under subpart 1 and the definitions beginning with subpart 2 are needed to provide consistent terminology for use by persons affected by the rules; to provide a basis for evaluating

compliance with Minnesota Statutes and other rules promulgated by the State of Minnesota; and to identify and clarify terms used in parts 4740.0110 through 4740.0310. Words or phrases used in a manner consistent with common usage are not defined.

Subpart 1. Scope. This subpart is reasonable because the terms as defined are unique to the licensure of social workers and do not necessarily apply to other parts of Minnesota Rules.

Subp. 2. Advertising. This definition is needed for establishing a standard for the identification of advertising as it is done in relation to the practice of social work. The definition is reasonable because it encompasses methods commonly used by social workers to communicate about services they offer.

Subp. 3. Applicant. This definition is needed to identify the individuals who are regulated by these rules with a single term, thereby avoiding unnecessary verbiage in the rules. The definition is reasonable because the individuals identified are the individuals required to be licensed under Minnesota Statutes, section 148B.21, subdivision 1.

Subp. 4. Approval date. This definition is needed and reasonable because it is for clarification purposes only. The distinction is reasonable because under Minnesota Statutes, section 148B.21, subdivision 2, fees are nonrefundable. If an applicant were to pay a fee before Board approval, the applicant may have paid for a license that may not be granted by the Board.

Subp. 5. Board. This definition is needed to avoid unnecessary verbiage in the rules by identifying the individuals who must oversee the licensure of social workers with a single term. The definition is reasonable because it refers to the law that created the social work licensing Board.

Subp. 6. Clinical social work. This definition is needed to clarify a term used in these rules. The definition is reasonable because it refers to the law that created the Board of Social Work.

Subp. 7. Continuing education. This definition is needed and reasonable because it clarifies for social workers the ongoing educational requirements necessary to maintain a license. It is reasonable to require 30 hours of continuing education because that is consistent with Minnesota Statutes, section 148B.22, subdivision 2, which requires 45 continuing education hours per three years of licensure. On an annualized basis, the 45 hours is equal to 15 hours per year or 30 hours per each two-year period of licensure. It is reasonable for administrative efficiency to verify continuing education hours at the time of renewal, which, after the conversion period is completed, will be at the end of each two year renewal period.

Subp. 8. Council on social work education. This definition is necessary and reasonable because it is for clarification and identification purposes only.

Subp. 9. Effective date. This definition is needed to establish a readily identifiable day on which a person is authorized to begin practicing social work and on which other deadline dates and renewal schedules can be based.

Subp. 10. Emeritus. This definition is necessary and reasonable because it is for identification and clarification purposes only. The statement of need and reasonableness for an emeritus license is found under part 4740.0225.

Subp. 11. Examination. This definition is needed to clarify the type of examination that an individual will need to take to obtain a social work license. The definition is reasonable because Minnesota Statutes, section 148B.20, subdivision (1), paragraph (c) requires examinations to minimize cultural bias. The equal employment opportunities commission, civil service commission, and United States Department of Labor and Justice have established guidelines for employee selection examinations that minimize cultural bias.

Subp. 12. Examination application. This definition is needed to identify and clarify which form an individual must use to apply for the opportunity to take a social work license examination. The definition is reasonable because it is consistent with the authority granted the Board under Minnesota Statutes, section 148B.20, subdivision 1, paragraph (c) which says that examinations may "be administered by the Board or by a body designated by the Board."

Subp. 13. Face-to-face supervision. The definitions of face-to-face supervision, group supervision and peer supervision are needed to clarify and specify the supervision required by Minnesota Statutes, section 148B.18, subdivision 12. Subdivision 12 also says that supervision is "the direction of social work practice in face-to-face sessions." This definition is reasonable because it is consistent with the definition of supervision in Minnesota Statutes. It is reasonable to allow for supervision to be provided via "telephone or other live electronic media" and to be provided within the time limits specified in the definition because such supervision is a "further standard developed by the Board" to accommodate geographic problems in rural areas. Uniqueness of setting issues are also addressed, such as when the office of one's supervisor is in a building unattached to the building where the supervisee is located. The essence of face-to-face contact includes direct communication that is interactive and provides opportunity for give and take discussion of practice problems that is necessary for effective supervision. The limitation on the proportion of the use of telephone or other live electronic media is reasonable because the limitation prevents the loss of valuable observations regarding appearance and demeanor, which are also important factors in effective supervision without placing undue burdens regarding ready access to supervision.

Subp. 14. Group supervision. This definition is reasonable because it is sometimes not possible, such as in rural areas of the state where fewer social workers are available for supervision, to provide supervision to one supervisee at a time. It is reasonable to provide supervision to groups because some topics being supervised, such as the application of state regulations, are not necessarily unique to the individuals being

supervised. The limitation on the proportion of group supervision that is allowed is reasonable because the limitation prevents the loss of essential elements of personal supervision, such as freedom to interact in a one-to-one supervision setting.

Subp. 15. Inactive status. This definition is necessary and reasonable for clarification and identification purposes only. The statement of need and reasonableness for authorizing this license is found under part 4740.0220.

Subp. 16. Independent social work. This definition is needed to clarify a term used in these rules. The definition is reasonable because it refers to the law that created the Board of Social Work.

Subp. 17. Interdisciplinary supervision. This definition is needed and reasonable because Minnesota Statutes, section 148B.18, subdivision 12, paragraph (2) says that supervision can be done by another qualified professional "when the social work licensing Board determines that supervision by a social worker as required in clause (1) is unobtainable, and in other situations considered appropriate by the Board of social work examiners." The limitation on the proportion of interdisciplinary supervision that is allowed prevents the loss of essential supervision by another professionally trained social worker. The number of hours chosen (eight) is a discretionary number based on the expertise of social workers on the Board.

Subp. 18. Licensee. This definition is necessary and reasonable because it is for identification and clarification purposes.

Subp. 19. Peer supervision. This definition is needed to further expand the standards of supervision as allowed under Minnesota Statutes, section 148B.18, subdivision 12, paragraph (2). It is reasonable to have peer supervision because of "uniqueness of setting" issues, peer supervision adds another perspective to supervision, and allows flexibility for situations such as when a supervisor dies or terminates employment leaving supervisees (applicants) without supervision. It is reasonable to limit the number of hours allowed for peer supervision because that prevents loss of supervision by another professionally trained social worker. The number of hours chosen (eight) is a discretionary number that is based on the expertise of social workers on the Board.

Subp. 20. Qualified professional. This subdivision is needed to clarify who can provide supervision when a social worker is unavailable to supervise. The definition is reasonable because Minnesota Statutes, section 148b.18, subdivision 12, authorizes supervision by a qualified professional in situations deemed appropriate by the social work licensing Board.

Subp. 21. Supervisee. This definition is needed to abbreviate references in the rules to individuals being supervised or who have received supervision as required by Minnesota Statutes, section 148B.21, subdivisions 3 through 6. The definition is reasonable because it is consistent with the supervision requirements under Minnesota Statutes, section

148B.18, subdivision 12.

Subp. 22. Supervisor. This definition is needed to clarify who a supervisor is for purposes of social work supervision required for social work licensure. This definition is reasonable because it is consistent with Minnesota Statutes, section 148B.18, subdivision 12, paragraph (1) and because that statute does not clearly delineate the distinctions between the different types of supervision that are allowed.

Subp. 23. Supervisor's verification. This definition is needed to clarify the means by which the implementation of supervision requirements can be verified and to provide a means by which a supervisor and supervisee can be held accountable for the licensure supervision requirements. The requirement is reasonable because it provides a consistent and objective means of documentation that can be used to enforce supervision requirements.

Subp. 24. Transition period. This subpart is needed to clarify and communicate the transition period as it affects individuals. The definition is reasonable because a transition period is authorized under Minnesota Statutes, section 148B.23, subdivision 1.

Subp. 25. Variance. This definition is necessary and reasonable because it is for identification and clarification purposes.

4740.0120 PROCEDURES FOR APPLICATION.

Subpart 1. Information required. This subpart is needed to clarify the information that applicants for licenses must submit and to ensure that each applicant submits the same information, thereby enabling the Board to make approval decisions based on the same information from each applicant. This subpart is also needed to comply with the requirements of Minnesota Statutes, section 148B.20, subdivision 1, paragraph (b), which requires the social work board to "adopt rules for establishing standards and methods of determining whether applicants and licensees are qualified under sections 148B.21 to 148B.23."

It is reasonable for items A through E to require the information indicated under those items to be submitted because the information is readily available to applicants and is needed by the Board. Under Minnesota Statutes, section 148B.21, subdivisions 3 through 6, an applicant for a social work license must provide evidence satisfactory to the Board that the applicant has or will meet the social work license requirements.

Item A is needed to identify an individual who is applying for a license, to provide verification, and to hold the applicant accountable for information included with an application.

Item B is needed to establish a consistent time and place for submitting the fee. Item B is reasonable because the fee is required to be paid by MS 148B.21, subd. 2. Since payment of a fee is required for licensure it is reasonable that the fee be submitted with the application for licensure.

Item C is needed to verify the educational requirements for

licensure. It is reasonable to require transcripts and to require that such transcripts be sent directly by the institution granting the degree because institutions granting the degrees can readily prepare such documentation and because it prevents the opportunity for applicants to tamper with the record.

Item D is needed to verify the minimum experience requirements for licensure. It is reasonable because minimum experience criteria are provided under Minnesota Statutes, section 148B.21, subdivisions 3 through 6.

Item E is needed for the Board to verify that supervision occurred. It is reasonable to accept alternative forms of verification because it is sometimes impossible to obtain the verification directly from the former supervisor, such as when the supervisor dies or moves with no forwarding address. It is reasonable to place the burden of proving supervision on the applicant because, from an administrative perspective, it would be a great administrative burden for the Board to identify and locate the supervisors of applicants.

Subp. 2. Taking examination prior to graduation. The Board needs to allow some students to take the examination six months prior to graduation because the examination is offered only two times a year. The times the examination is scheduled can not always be shortly after a student graduates, which would be ideal. Sometimes the next examination date will be as much as six months after the student graduates. Allowing the student to take the examination before graduation allows the student to be licensed (if all qualifications are met) shortly after graduation, thereby enabling the student to seek employment or advancement as soon as possible after obtaining licensing credentials.

Subp. 3. Verification; Board authority. Under Minnesota Statutes, section 148B.20, subdivision 1, paragraph (a) the social work Board must "enforce rules for licensure of social workers." The verification technique authorized by this subpart is reasonable because it limits verification activities to information regarding a social work license application. If the Board could not verify or require an applicant to verify application information, the Board could not effectively carry out its statutory mandate to enforce licensure rules. Verification is also reasonable because it is designed to protect the public (as required by Minnesota Statutes, section 148B.20, subdivision 1(a)) by preventing fraudulent applications from being approved and by preventing unqualified individuals from practicing social work.

4740.0130 SUPERVISION REQUIREMENTS.

Subpart 1. General. This item is needed and reasonable because it is for clarification purposes.

Subp. 2. Unobtainable supervision. This subpart is necessary to clarify Minnesota Statutes, section 148B.18, subdivision 12, which says that when supervision as required by subdivision 12 is unobtainable, the Board may approve alternative

supervision. This subpart is reasonable because it strengthens and clarifies the statutory requirement that supervision must be considered unobtainable before alternative supervision is accepted. It is reasonable to require that the evidence be provided on a variance form provided by the Board because the form provides a consistent way in which the evidence is organized, thereby enabling the Board to efficiently and effectively process requests for the alternative forms of supervision allowed under subparts 3 through 6.

Subparts 3, 4, 5, and 6. The supervision requirements of subparts 3 through 6 are needed to establish standards of supervision as required by Minnesota Statutes, sections 148B.18, subdivision 12, 148B.21 and 148B.23. The requirements for social workers to have two years or 4,000 hours supervised experience and the requirement that social workers be supervised by a qualified professional at least at the level of licensure of the social worker being supervised are consistent with the supervision requirements of Minnesota Statutes, section 148.21, subdivision 3, paragraph (3); subdivision 4, paragraph (3); subdivision 5, paragraph (3); and subdivision 6, paragraph 2. The requirements for verification of supervision under subparts 3 through 6 are consistent with the requirement under Minnesota Statutes, section 148B.21, that an applicant "provide evidence satisfactory to the Board that the applicant . . . will engage in social work practice only under supervision as defined in section 148B.18, subdivision 12 . . ." The authority for an applicant to submit verification of supervision by another qualified professional is reasonable because that is consistent with the authority given the Board under Minnesota Statutes, section 148B.18, subdivision 12, paragraph (2).

Subparts 3,4,5, and 6 do not allow volunteer work or internships to count toward the required time for supervised experience because Minnesota Statutes 148B.23 requires social work employment.

The establishment of a minimum number of hours (50) of supervision per each 2 year renewal period is reasonable because it is consistent with the authority given the Board under Minnesota Statutes, section 148B.18, subdivision 12 where it is stated that "further standards for supervision shall be determined by the social work licensing Board."

Fifty hours is equivalent to approximately 2 hours per month, which does not constitute a burdensome amount of time for a licensee. Less time may not be sufficient to protect the public.

4740.0140 EXAMINATION APPLICATION AND REEXAMINATION.

This part is needed to clarify the requirements for social work examination mandated by Minnesota Statutes, section 148B.20, subdivision 1, (b) and (c), section 148B.21, subdivisions 3, 4, 5 and 6.

Items A through F are reasonable because they describe application procedures that are consistent with Minnesota

Statutes, section 148B.20 and 148B.21. Minnesota Statutes, section 148B.20, subdivision 1 (h) requires the Board to collect examination fees. It is reasonable for an applicant to pay an examination fee for each time the applicant wants to take the examination because the amount of the fee (established under part 4740.0290) is sufficient to cover the cost of administering the examination once.

It is reasonable to allow the Board or the agency specified by the Board to collect examination fees and to notify applicants of the times and places of the examination because that allows for efficient and effective coordination of examination administration between the Board and the agency through which examination administration is contracted, the American Association of State Social Work Boards, as required under item D.

It is reasonable to contract with the American Association of State Social Work Boards (AASSWB) to administer the examination for the Minnesota Board of Social Work, because the AASSWB is a national organization that contracts with many other states to administer their social work examinations. The AASSWB is able to coordinate feedback from many states regarding the quality of the examination and its ability to ensure that social workers have the knowledge and skills they need to perform the duties required of social workers. "The executive committee of the AASSWB appoints an examination committee carefully selected to represent the different facets of the social work profession. A national analysis in 1981 and a reanalysis in 1988 of the social work profession participated in by practicing social workers and performed by the committee serve as one part of the content validity of the AASSWB's examinations. The examination materials are developed by practicing social workers with and under the guidance of the examination committee to develop examinations that test minimal competence", (AASSWB, Candidate Handbook, 1990, ASI Processing Center, 718 Arch Street, Philadelphia, PA 19106, page 1).

It is reasonable to authorize the Board to conduct the examination at times and places the Board determines (under item D) because this gives the Board the flexibility to conduct the examination in different parts of the state deemed to be most convenient for candidates to take the examination, and at times when the Board determines the most candidates can take the examination. It is reasonable to require the Board or agency specified by the Board (the AASSWB) to notify candidates of the time and place of the examination because this is a service to candidates provided for as part of the examination and application fee. It is also necessary and reasonable because the Board may not know the time and place of the exam at the time an applicant applies for licensure.

It is reasonable to allow an applicant to take the examination as many times as the applicant wants (under item F) because the examination measures minimal competence in the performance of the social work duties for which an applicant is

tested. In this way, the examination does not exclude potentially competent individuals from becoming social workers. Since the examination results from AASSWB summarize a candidate's weaknesses and strengths on an exam, a candidate can try to obtain the knowledge and skills needed to pass the portion of the examination in which the candidate was most weak and retake the examination.

Items G through I are needed to allow individuals who obtained their license under the "grandparenting provisions" of Minnesota Statutes, section 148B.23 and who have acquired competence in skills classified under a license different than what they now have, to obtain the license consistent with their types of skills and the type of social work that they want to do. Items G through I are reasonable because they are consistent with the provision of Minnesota Statutes, section 148B.20, subdivision 1 (a) and (b).

4740.0145 DENIAL OF LICENSE.

This part is needed to clarify procedures for denial of a social work license. The procedures under this part are reasonable because they are consistent with Minnesota Statutes, section 148B.26. Item A is needed to communicate with an applicant whose application for licensure has been denied. The item is reasonable because it gives the applicant the documentation needed to appeal a denial of licensure.

Item B is needed to provide an applicant the opportunity to correct the condition that resulted in the denial of the license and reapply for licensure. It is reasonable to charge the appropriate fees to cover the Board's processing costs.

4740.0150 RECIPROCITY.

This part is necessary because Minnesota Statutes, section 148B.24 requires the Board to issue social work licenses on the basis of reciprocity. The part is also needed to clarify and specify the procedures and requirements for obtaining a license through reciprocity. The part is reasonable because it is consistent with the statutes regarding reciprocity.

Item A is needed to ensure that the applicant has complied with all Minnesota social work licensing requirements in the state where the applicant was licensed. It is reasonable to require a listing of all states and territories in which the applicant has been licensed because that ensures that the Board can protect the public by verifying information on an application if necessary.

Item B is needed to clarify what is meant by "substantially the same requirements." The item is reasonable because the item requires the Board to compare the requirements of other states to Minnesota's licensing requirements with respect to critical requirements for protection of the public.

Item C is needed to clarify what an applicant must do if the other state's licensure requirements are not substantially similar to Minnesota's licensure requirements. Item C is

reasonable because applicants must meet the requirements intended to protect the public in Minnesota whatever the requirements may have been in another state. Item C is also reasonable because it is consistent with Minnesota Statutes, section 148B.26, subdivision 1 (grounds for denial, suspension, or revocation of a social work license).

Item D is needed to verify whether the applicant has violated any social work practice rules or ethical standards that would violate licensure standards in Minnesota and to protect the Minnesota public from harm. This verification requirement is reasonable because it makes the reciprocity provisions consistent with the reporting requirements of other agencies in the state of Minnesota. (See Minnesota Statutes, section 148B.07).

4740.0160 ISSUANCE OF LICENSE.

This part is needed so that the public can verify the licensure status of a social worker and to prevent the use of a license by an individual who has not received a license. To verify a license, a member of the public can call the social work Board to verify that the social work license number shown on a social worker's license is the number assigned to that social worker. This part is reasonable because it is consistent with the nontransferability clause under Minnesota Statutes, section 148B.25 and with Minnesota Statutes, section 148B.27, subdivisions 1 and 2.

4740.0170 DISPLAY OF LICENSE.

The requirement to display a license is needed to provide the public a convenient way to determine whether a social worker is licensed. The part is reasonable because the Board must issue a social worker a license that can be displayed and the burden on the licensee is not great compared to the public benefit.

4740.0180 TERM OF LICENSE, EFFECTIVE DATE.

This part is needed to clarify the effective date and term of a social work license. It is reasonable because it is consistent with the authority given the Board under Minnesota Statutes, section 148B.22, subdivision 1. Biennial renewal provides a reminder to licensees of their obligation to comply with licensure rules and continuing education requirements. Annual renewal could unduly burden the Board and licensees, while triennial renewal is too infrequent for enforcement purposes.

It is reasonable to require an applicant to pay the licensure fees within 60 days because the Board must have the fees to operate and because granting individual payment schedules to individual applicants would be too great an administrative burden on the Board and would increase the overall costs of administering the licensing function. When applicants apply for licensure they are aware that there will be licensure fees.

If applicants do not pay the required fees, it is reasonable to close applicants' files and require them to reapply. Minnesota Statutes, section 148B.21 requires applicants to pay

licensure fees and because the Board is required to "establish initial and renewal application and examination fees sufficient to cover operating expenses of the Board and its agents."

4740.0185 DUPLICATE LICENSE.

This part is necessary because a license is small and made of paper and therefore subject to loss, theft, and destruction. The license must be marked duplicate and dated to distinguish it from the original license. A provision for name changes is needed because name changes are common, such as when an individual changes names due to marriage or divorce. It is reasonable to require verification of the name change and to require submission of the original license because verification and surrender of the original license can help to prevent fraud and misuse of the original license. It is reasonable to require a duplicate license fee because Minnesota Statutes, section 148B.17 requires the Board to collect fees so that "the total fees collected by the Board will as closely as possible equal anticipated expenditures during the fiscal biennium . . . ." Since it is impossible to predict how many name changes there might be in a biennium, inaccurate estimates can be avoided by collecting fees for the administrative expenses as the expenses occur.

4740.0190 RENEWAL OF LICENSE.

This part is needed to clarify which other rule parts govern renewal schedules and to clarify the other requirements for renewals: renewal fees, continuing education, and supervision. The requirements under this part are reasonable because they are consistent with statutes requiring renewal fees (Minnesota Statutes, section 148B.17), continuing education (Minnesota statutes, section 148B.22, subdivision 2), and supervision (Minnesota Statutes, sections 148B.23 and 148B.21). The specific rationale for the fee, continuing education and supervision requirements are discussed under the rule provisions relating directly to those requirements.

4740.0195 RENEWAL OF LICENSES ISSUED IN THE TRANSITION PERIOD.

Minnesota Statutes, section 148B.22, subdivision 1 requires licensees to "renew licenses at the time and in the manner established by the rules of the Board." This part is needed to clarify the renewal procedures for licensees. The renewal schedule is reasonable because it is based on the anticipated number of licensees and the work required to process applications. The Board received many more applications than originally anticipated. Instead of receiving approximately 4,000 applications, as originally anticipated by the Board, the Board received approximately 10,000 applications. This number of applications increased substantially the number of licensees and therefore the number of renewals that the Board would have to process. The renewal schedules outlined under items A through C spread the workload for processing renewals throughout the year,

thereby avoiding "bottlenecks" of work that could interfere with other Board duties, such as processing complaints.

It is reasonable to use license numbers and birthdates as criteria for establishing when a particular licensee must renew because those numbers are randomly assigned to applicants.

4740.0200 RENEWAL APPLICATION PROCEDURES.

Subp. 1. Service. This subpart is needed to clarify what constitutes proper notice from the Board that a licensee must renew. It is reasonable to establish the licensee's responsibility to notify the Board of licensee address changes and to require the Board to mail renewal notices by first-class mail because other means, such as by telephone, would be time consuming and too costly.

Subp. 2. Application mailing date. The subpart is needed to establish the Board's responsibility for mailing renewal notices to all current licensees and the licensee's responsibility for renewing even if a renewal notice is not received. This is reasonable because it clarifies the licensee's responsibility for renewing the license. The time of 30 days notice of an address change is reasonable because that ensures that licensees can be informed of any changes in licensing laws, rules and policies or procedures in a timely manner.

Subp. 3. Expired license. This part is needed to clarify that the failure to renew will result in an expired license and that a licensee whose license expires must reapply for licensure under the licensure requirements under part 4740.0205, including the examination requirements. It is reasonable to require an individual with an expired transition license to renew according to part 4740.0205 because the deadline for applying for a license under the transition requirements was June 30, 1989.

Subp. 4. Incomplete application notice. This subpart is needed to establish a definite expiration date of a transitional license, which is 30 days after the Board notifies the applicant that more information is needed to complete the renewal application. The subpart is reasonable because it is possible that applicants for renewal may not submit all the correct information with the initial renewal application materials.

4740.0205 REINSTATEMENT OF EXPIRED LICENSE.

This part is needed to encourage licensees to maintain a current license through renewal and to clarify that an individual with an expired transition license will have to comply with the permanent licensure requirements, including a degree from an accredited social work program and licensure examination. The requirements under this part are reasonable because the transitional licensing period ended June 30, 1989.

It is reasonable to require individuals whose license has expired to take the license examination because that ensures that those individuals continue to be qualified for practicing social work.

It is reasonable to restrict someone whose license has

expired from practicing social work and require them to return their license certificate because that is consistent with Minnesota Statutes, section 148B.27.

4740.0210 CONVERSION OF LICENSE RENEWAL PROCEDURES.

This part is needed to convert the renewal process for licenses to a permanent process of biennial renewals and because the initial licensing of transition period applicants was completed by the Board over an extended period of time. Initially the Board thought all applications would be acted on by the end of calendar year 1989. Board action on applications, however has extended into calendar year 1990 because of the large number of applications received. It is reasonable to make this change since it will permanently spread the work load of licensure renewal over the entire year. A permanent biennial renewal cycle (see subparts 3 and 4) is reasonable because it is consistent with statutes requiring two years supervision in order to obtain a license or to move from one license to another (see Minnesota Statutes, section 148B.21) and with Minnesota Statutes, section 148B.22, subdivision 1, says that "licensees shall renew licenses at the time and in the manner established by the rules of the Board." The Board chose a biennial renewal cycle so that the revenue generated by renewal fees would be consistent with the cost of administering the duties of the Board, because it is consistent with the biennial budgeting for state government and because it is consistent with the experience of other Boards such as the Board of Psychology (See Minnesota Rules, part 7200.3200).

Finally, all the renewal requirements of this subpart are reasonable because they treat each type of applicant the same. An applicant licensed during any one year will be subject to the same type of renewal requirements.

Subp. 1. License renewal cycle conversion. This subpart is needed to clarify that the renewal procedures will be ongoing after initial renewals.

Subp. 2. Conversion of license renewal cycles for current licenses. This subpart is needed because the initial renewal dates are different than the ongoing renewal requirements. It is also needed to clarify the exact date on which a biennial renewal cycle will begin and end for someone licensed during the transition period. The provisions under this subpart are needed to avoid requiring a licensee to renew during the same year in which the licensee was licensed and to have the initial renewal be as close to two years as possible. However, since the ongoing renewal will be according to the applicant's birthdate it is impossible to have the birthdate coordinate with the date of the initial licensing of the applicant, which was completed by the Board on random dates after the application deadline of June 30, 1989.

Subp. 3. Subsequent renewal cycles. This part is needed to clarify the ongoing biennial renewal requirement for applicants licensed during the transition period and to clarify the renewal cycles under subpart 2. The renewal cycles under this part are

reasonable because they are consistent with the renewal cycles of non-transition period applicants.

Subp. 4. Licenses issued after June 30, 1989. This subpart is needed because the initial effective date of a license (which is the date on which the Board received payment for a license) is different than the ongoing renewal date which is the birth month of the applicant.

Subp. 5. Conversion period and fees. This subpart is needed because the initial license periods for licensees will be different depending upon when the applicant was licensed. For some licensees, the initial license period will be closer to one year and for others the initial license period will be closer to two years. Since biennial licensure fees are higher than the "one-year" license fees applicants are required to pay a prorated portion of the license fee which matches the length of the licensee's initial license period. This subpart is reasonable because an applicant should have to pay a license fee only for the length of time that the applicant is licensed. By referring to a base fee that is common to all applicants, an individual applicant must pay proportionately the same fee as all other applicants.

Subp. 6. Initial license period and fees. The rationale for fees under this subpart is the same as for the fees required under subpart 5, except that it applies to non-transition period licensees. It is reasonable, under item C, to assign a renewal date because applicants are not required to supply their birthmonth with their application for licensure.

4740.0220 INACTIVE LICENSE STATUS.

It is reasonable to include an inactive license status in these rules to allow for the variety of situations in which social workers may discontinue active practice. Periods of unemployment, withdrawal from the workforce due to illness or family responsibilities, and extended periods of travel are examples of reasons that may lead a licensee to request inactive status. The specific numbers of years indicated under subparts 2 and 3 are discretionary numbers chosen on the basis of the amount of social work knowledge and skills an individual can reasonably be expected to maintain over a given period without practicing. The requirement of 25 hours of supervision in the first year following a five or more year absence serves to protect the public.

The requirements for reactivating a license serve to put licensees back into the normal renewal cycle once they have provided the necessary information and assurances. LSW's and LGSW's raise specific supervision issues that are addressed in Subparts 5.A and 5.B as they must document supervision to maintain their licenses.

4740.0225 EMERITUS LICENSE STATUS.

This part is reasonable because it is for the purposes of recognizing licensed social workers who are retired from the

profession. It is not necessary for an emeritus license holder to maintain continuing education hours because the individual who obtains an emeritus license does not intend to practice social work again.

It is reasonable to have a reactivation procedure because licensees may change their plans and desire to resume social work practice. Subpart 4 identifies the procedures and standards needed for emeritus licensees to obtain their previous licensure levels. This procedure parallels that in part 4740.0220 for reactivating an inactive license, including the paying of the inactive fee for the period during which the emeritus status was in effect. This is reasonable to avoid creating a financial incentive to use a less expensive emeritus license in situations more appropriate for inactive status.

The specific numbers of months and years indicated in this part are discretionary numbers based on the amount of social work knowledge and skills an individual can maintain over a given period without practicing.

4740.0230 CHANGE OF ADDRESS.

This part is needed and reasonable because the Board must communicate with a licensee about license requirements and because it is impossible for the Board to continuously know the whereabouts of issued licenses unless licensees notify the Board.

4740.0240 VOLUNTARY TERMINATION OF LICENSE.

This part is needed to create a procedure whereby social workers can terminate voluntarily their licenses. Licensees who are leaving the profession should have a procedure for cancelling their licensure without prejudice. The public is protected by requiring that the licensee who has voluntarily terminated shall not use the title, shall not practice, and must return the license certificate. Such a person can reapply for licensure at a later date, but must meet the normal application requirements. Disciplinary action by the board needs to still be possible to prevent licensees terminating voluntarily to avoid sanctions.

4740.0250 SUSPENSION OR REVOCATION OF LICENSE.

This part is needed to clarify for readers of rules regarding social work licensure that sanctions can be applied for failure to obtain and maintain a license according to those rules and according to Minnesota Statutes, section 148B.26. This part is reasonable because it is consistent with Minnesota Statutes, section 148B.26.

4740.0260 SUSPENDED OR REVOKED LICENSE.

This part is needed to enforce the suspension or revocation of a license to practice social work. It is reasonable because a person whose license has been suspended or revoked could use the license to falsely show that they are still licensed and therefore allowed to practice social work, which would be inconsistent with Minnesota Statutes, section 148B.27,

subdivisions 1 and 2. Subdivisions 1 and 2 say that persons cannot practice social work or present themselves to the public as social workers if they do not hold a valid social work license.

4740.0270 VARIANCE.

Subp. 1. Request for variance. This subpart is needed to clarify and assign responsibilities for requesting a variance. The information requested in items A through E is needed by the Board to compare the request to the criteria under subpart 2, which are used to determine whether a variance should be granted or denied. It is reasonable to request the information because this ensures that each application for a variance is complete and it reduces the administrative burden on the Board and the licensee in processing incomplete variance applications.

A. It is reasonable to state the rule from which the variance is requested because doing so clarifies the rule part under consideration.

B. It is reasonable to state the reason for the request so that the Board can determine whether the request meets the criteria under subpart 2 or whether it is a request for a renewal of a variance under subpart 4.

C. It is reasonable to request the applicant to state the alternative measures that will be taken to protect the public so that the Board can determine the potential effect of the waiver on the health and safety of the public.

D. It is reasonable to state the period of the variance because that enables the Board to consider this factor in evaluating the potential affects of the variance and in ruling on any matters relating to the duration of the variance.

E. It is impossible to predict every type of variance that might be requested, therefore it is reasonable to authorize the Board to request "additional information" if the requested information relates to the variance.

Subp. 2. Criteria for approval. This subpart is needed to clarify when the Board will grant or deny a request for a variance. It is reasonable that the conditions under items A through C be met for the Board to grant a variance because those requirements are consistent with Minnesota Statutes, section 148B.20, subdivision 1 (a) which requires the Board to adopt rules that are designed to protect the public.

Subp. 3. Notification. This subpart is needed and reasonable to clarify the terms of a variance if it is granted and to be sure that the applicant for the variance knows what is expected of the applicant to comply with the variance.

Subp. 4. Renewal. This subpart is needed because the need for the variance could extend beyond the time for which it was originally granted. A renewal is reasonable because that saves some of the administrative work required to initiate a variance.

4740.0285 CONTINUING EDUCATION REQUIREMENTS.

This part is needed to specify the continuing education

requirements of Minnesota Statutes, section 148B.22, subdivision 2. This part clarifies the types of continuing education that are acceptable for licensure and the number of hours that must be obtained per each licensure renewal. The requirement for continuing education is reasonable because it is consistent with Minnesota Statutes, section 148B.22, subdivision 2.

Subp. 1. Continuing education requirements. This subpart is needed to clarify the clock-hours required for continuing education and to make the clock hours consistent and proportional with the renewal periods for licensure (see proposed part 4740.0190). The requirement for 30 hours over a biennium is equivalent to the requirement for 45 hours over three years as required under Minnesota Statutes, section 148B.22, subdivision 2. The requirement for 30 hours also helps to ensure that licensees become aware of developments in the field of social work as those developments occur.

Subp. 2. Transition period. This subpart is needed and reasonable to make the continuing education requirements for initial licensees consistent with the period of licensure for those licensees.

Subp. 3. Emeritus license holders. This subpart is needed and reasonable for clarification purposes only. Emeritus license holders do not intend to practice social work and therefore do not need the continuing education. If they were to begin practicing social work they would have to acquire the appropriate continuing education.

Subp. 4. Content areas for continuing education. This subpart is needed to clarify which educational areas constitute social work education. The content areas under items A through E are reasonable because they represent the traditional subject areas and knowledge of social work and because the content areas are consistent with the content areas of college and university social work programs accredited by the Council on Social Work Education. It is reasonable to have an unspecified area under item F because the health and safety of social work clients would be affected if the Board could not approve content areas that the Board could not predict would be needed, such as programs that address the implications of the acquired immunodeficiency syndrome (AIDS).

Subp. 5. Nonacceptable subject areas. This subpart is needed to clarify which types of education do not qualify for continuing education credit. It is reasonable to exclude the areas that are listed under this subpart because those areas are not specifically related to social work practice.

Subp. 6. Continuing education program types. This subpart is needed to provide a diversity of acceptable sources of continuing education for social workers. The program types under items A through G are reasonable because they cover the available sources of continuing education and because they provide for the variety of sources that is available for social workers throughout the state. This ensures that social workers in rural settings have continuing education available to them. The limits

under items A, E and F on the number of hours that can be earned in those categories are established to encourage diversification of continuing education subjects and sources. The number of hours (ten) chosen as limits under items A, E and F is a discretionary number based on what is practical for encouraging diversification of continuing education.

Subp. 7. Continuing education hours. This subpart is needed to define what an "hour" means for purposes of continuing education. Defining an "hour" as fifty minutes is reasonable because this is the standard used for continuing education among other professions. This allows for a 10 minute break for improving comprehension of students and for preparation. The specifications under item B are reasonable because they are consistent with the standard ways colleges and universities define quarter hours and semester hours.

It is reasonable for presenters to get continuing education credit for lectures and presentations given because the presenter is trained and educated through the preparation needed for the presentation. It is reasonable to limit credit for the presentation to the initial time the course is presented during the licensure period because the amount of learning gained through preparation is diminished during successive presentations.

Item D is reasonable and needed because it clarifies that multi-day conferences are allowed only for the actual number of presentation hours.

Item E is needed to expand the availability of continuing education throughout the state. It is reasonable because there are many sources of independent learning, such as journals and other educational publications.

Subp. 8. Documentation of courses. The documents and information required to be kept by this subpart are needed so the Board can perform an adequate audit of courses taken by a licensee. Audits are needed to enforce the requirements for continuing education. It is reasonable to require licensees to maintain the documents that are required to be maintained because those documents must already be completed by the applicant to apply for the course, or because the information is supplied by the Board of Social Work when it approves a course for continuing education credit. Providers of continuing education also traditionally provide documents needed by participants to verify attendance.

It is reasonable to require the Board to audit a random sample of continuing education reports because the Board has the computer ability to randomly select a sample. Random selection is reasonable because the Board does not have the resources nor does it believe it is necessary to audit all the licensees' continuing education credits.

Subp. 9. Violation of continuing education requirements. This subpart is necessary and reasonable because it is consistent with Minnesota Statutes, section 148B.26, subdivision 1 (3).

Subp. 10. Sponsor application for preapproval of continuing

education programs. This subpart is needed for the convenience of providers of continuing education programs and their potential students. Potential students can plan their acquisition of continuing education if they know a program they intend to sign up for has already been approved by the Board and providers can attract more people to the program if the program is preapproved.

Subp. 11. Board review of continuing education sponsor applications. Item A under this subpart is needed to provide the sponsor with adequate notice of the time it takes the Board to approve applications and to limit the time the Board may take to approve applications. Program sponsors need that information so they can plan and advertise their programs according to the Board's timeline for approving applications.

Item B under this subpart is needed by the Board to enforce the requirements for preapproving continuing education programs. The item is reasonable because licensees who participate in preapproved programs assume that the program is approved and that they will be able to use the program for continuing education credit. Also, the continuing education is meant to protect the public health by providing program participants with the skills and knowledge needed to effectively deliver services to consumers of social work services. If a program sponsor does not conduct a continuing education program as approved by the Board, that sponsor could adversely affect the public health. Under Minnesota Statutes, section 148B.20, subdivision 1 (a) the Board must design rules so that they protect the public health.

Subp. 12. Renewal of sponsor applications. This subpart is needed to give the continuing education committee time to process applications in time for approval at subsequent Board meetings. The time of sixty days is based on the current experience of the Board with applications for continuing education programs.

4740.0290 FEES.

This part is needed because Minnesota Statutes, section 148B.17 requires that the Board establish fees by rule, including late fees, for licenses or filings and renewals. The amount of fees collected must, as closely as possible, equal anticipated expenditures during the fiscal biennium (Minnesota Statutes, sections 214.06, and 16A.128, subdivision 1a, and 148B.17), including the prorated costs of the office of social work and mental health Boards.

It is reasonable to make fees nonrefundable because, regardless of the outcome of an application, the Board still must cover the cost of administering the application, verifications, and examinations.

It is reasonable to have higher fees for the different types of licenses because the amount of the fee is associated with the earning ability of the person holding the license. Licensed independent clinical social workers usually have the opportunity to earn more than licensed social workers.

The amounts of the fees are reasonable because they are consistent with the number of license applications received, the

number of applications approved for licensure, the anticipated renewal cycle for licensees and the resources needed to process those applications.

Examination and reexamination fees have a maximum amount rather than a set amount because there are economies of scale when administering the examinations. The more people that take an examination at one time at one location, the less expensive it is to process examinations for those individuals. By setting a maximum, the Board can adjust the examination fee downward depending on whether factors exist that decrease the cost of administering the examination.

It is reasonable to have a separate application fee and license fee because the costs of licensure should not be imposed on individuals whose application does not result in licensure of that applicant. An application that does not result in licensure does not result in additional expenditures by the Board.

Minnesota Statutes, section 148B.20, subdivision 1, paragraph (h) requires the Board to "establish initial and renewal application fees sufficient to cover operating expenses of the Board and its agents.

The "fee review" statement, which is required to accompany this statement of need and reasonableness, is attached as appendix B.

4740.0300 CODE OF ETHICS and
4740.0310 ETHICAL STANDARDS.

Generally, these provisions are reasonable because they are consistent with the standards for practice that have been recognized for almost 30 years by the organized social work profession as embodied, for example, in the National Association of Social Worker's Code of Ethics.

Rules proposed under these parts that pertain to sexual activity with clients or former clients are modeled after the laws regarding sexual exploitation under Minnesota Statutes, Chapter 148A. The proposed rule which says that sexual contact cannot occur for two years after the licensee-client relationship ends (under part 4740.0310, subpart 3, item B) is reasonable because it is consistent with the definition of "former client" under Minnesota Statutes, section 148A.01, subdivision 3.

Minnesota Statutes, section 148B.20, subdivision 1, paragraph (b) requires the Board to adopt a code of professional ethics. Therefore these parts are needed for the Board to implement duties under Minnesota Statutes, section 148B.20, subdivision 1, paragraph (b).

Minnesota Statutes, section 148B.21, subdivision 3, requires that an applicant for licensure provide evidence satisfactory to the Board that the applicant "will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the rules of the Board." Therefore parts 4740.0300 and 4740.0310 are also needed to clarify for licensure applicants the standards for professional conduct that state law says they must follow.

4740.0300 CODE OF ETHICS:

Subp. 1. Code of ethics. This subpart is needed to clarify who the code of ethics applies to. This subpart is reasonable because if the Board did not enforce the code during the period of education, training and employment required for licensure it could inadvertently imply that behavior contrary to the code occurring during those times is acceptable behavior while licensed. Part of the purpose of the licensure requirements for education and training is to teach prospective licensees that certain behaviors are not acceptable.

Subp. 2. Purpose. This subpart is needed and reasonable for clarification purposes only.

Subp. 3. Violations. This subpart is needed and reasonable because it clarifies for applicants and licensees the possible consequences of violating the code of ethics.

4740.0310 ETHICAL STANDARDS.

Subp. 1. Responsibility to clients. This subpart is needed to clarify a licensee's responsibilities to clients of social workers. It is reasonable because it is consistent with the ideas and responsibilities of "social work practice" as defined under Minnesota Statutes, section 148B.18, subdivision 11. The standards under this part regarding reporting under other laws is needed and reasonable because it clarifies for licensees and applicants that violations of these laws will also have consequences for licensure.

Subp. 2. Nondiscrimination. This subpart is needed and reasonable because age, sex, race, national origin, religion, physical handicap, political affiliation, social or economic status, affectional preference, and choice of lifestyle do not affect an individual's rights to receive social work services. It is reasonable to require referrals because the fact that a licensee cannot provide a service does not diminish a client's need for the service and because making a referral does not impose an unreasonable burden on the licensee.

Subp. 3. Relations with clients.

Items A. and B. Sexual relations with clients is discussed above.

C. It is reasonable to prohibit the provision of drugs, medications and controlled substances to clients because this is beyond the scope of social work practice. It is reasonable to prohibit the acceptance of these substances by licensee because this may affect a social worker's professional judgement regarding service provided to a client.

D. This subpart is necessary to minimize the possibility that a client is instilled with "false hope" or unreasonable expectations about the outcome of services received. This item is reasonable because a consumer of social work services is entitled to accurate information upon which to make reasonable choices regarding those services.

E. This item is needed to prevent financial arrangements

from affecting the quality of services provided. It is reasonable to not allow bartering because payment for services with anything but money creates ambiguity regarding the value of the services provided. Bartering could also lead to problems regarding the professional "boundaries" that need to exist between the social worker and client.

Subp. 4. Code of personal conduct. This subpart is needed to clarify the purpose of licensure. Licensure helps ensure that an individual is qualified to deliver social work services. This subpart is also needed to clarify other circumstances and behaviors which could affect the applicant's or licensee's professional judgement regarding the need for and efficacy of services provided to a client.

Subp. 5. Confidentiality and keeping records. This subpart is needed to clarify the standards of record keeping that are recognized by the profession and that are consistent with other laws regarding confidentiality and the protection of information regarding clients. The three year retention of records requirement is consistent with other Minnesota rules (e.g. the Department of Human Services Rule 29) and allows for efficient resumption of services to returning clients without creating a cumbersome storage requirement. It is reasonable for item B to require the licensee to inform the client of the limits of confidentiality so that the client can make reasonable determinations about which information the client discloses to the social worker. Item C is reasonable because the legal timeliness for reporting may not be consistent with timeliness that are necessary for the well-being of the client. For example, it may be necessary to report information sooner than is required by law. Item D is necessary and reasonable because it is consistent with the Board's responsibility to protect the public health as required by Minnesota Statutes, section 148B.20, subdivision 1 (a).

Subp. 6. Research. This subpart is necessary and reasonable because it is consistent with nationally recognized standards of ethical social science research involving humans and with Board's mandate to protect the public health as required under Minnesota Statutes, section 148B.20, subdivision 1 (a).

Subp. 7. Advertising. This subpart is needed to help accomplish the purposes of Minnesota Statutes, section 148B.20, subdivision 1 (a) and (b), and the provisions under Minnesota Statutes, section 148B.21, subdivisions 3 through 6 which state that a licensed social worker must "conduct all professional activities . . . in accordance with standards for professional conduct established by the rules of the Board." The regulation of false or misleading advertising is a standard of professional conduct adopted by the Board. Even though there is already substantial federal and state law regulating advertising practices, the inclusion of such a standard in social work licensing rules gives the Board direct control over licensees in false, fraudulent or misleading advertising practices, thereby increasing the Board's ability to protect the health, safety and

well-being of the public.

Expert Witnesses:

The Board of Social Work plans to have expert witnesses who are not members of or employees of the Board testify on behalf of the Board should a public hearing be required. All of the individuals will testify regarding the rules in total and summarize why, from their perspective, that the rules in total are necessary and reasonable. The names and addresses of the expert witnesses can be found in Appendix A.

Date:_____

_____
William A. Anderson, Chairperson
Board of Social Work

APPENDIX A: LIST OF EXPERT WITNESSES

Dr. John Bower
Chairperson, Social Work Dept.
Bethel College
3900 Bethel Drive
St. Paul, MN 55112

Ms. Betsy Horton, LICSW
3141 Dean Court
Minneapolis, MN 55487

Mr. Alan Ingram
Executive Director
Natl. Assoc. of Social Workers, MN Chapter
480 Concordia Avenue
St. Paul, MN 55104

Ms. Barbara Kaufman
Asst. Commissioner of Mental Health Programs
Department of Human Services
444 Lafayette
St. Paul, MN 55155

Ms. Pam Luinenburg
Coalition Coordinator
c/o Natl. Assoc. of Social Workers, MN Chapter
480 Concordia Avenue
St. Paul, MN 55104

Ms. Rosemary Martin
Physicians & Surgeons Bldg
63 S. 9th St.
Minneapolis, MN 55402

Ms. Mary White
Continuing Education Director
Natl. Assoc. of Social Workers, MN Chapter
480 Concordia Avenue
St. Paul, MN 55104

APPENDIX B: FEE REVIEW STATEMENT

FEE REVIEW

Date Prepared: 061290

Department/Agency: Board of Social Work

Budget Activity:

Fee Name: License Fees

Legal Citation: MN Statute 148B, 1987

Fee Set By: ☐ Law ☒ Agency

Purpose of Fee:

To recover Operational costs as required by MN Statute 214.

☐ Dedicated ☒ Non-Dedicated

Revenue Code: 310

APID: 21518-00

Fund: 17

Accumulated Difference Thru 1988:

Dollars in Thousands (137,522=138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts	415	800	221		
Less Actual/Anticipated Costs	283	348.8	359.9		
Current Difference	132	451.2	(138.9)		
Accumulated Difference	102	553.2	414.30		
Number Paying Fee					
Present Fee					
Date Fee Last Changed					

Remarks:

*See attached forms for estimated receipts

*Revenues are based on approximately 8,500 licenses

Department Authorized Signature:

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00194-07 (3/90)

FEE REVIEW - Details of Cost

Department/Agency: Board of Social Work	Budget Activity:
Fee Name: License Fees	Date Prepared: 061290

Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-07 Dollars in Thousands (137,522 = 138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Agency Direct Expenditures	279	323	325		
Salary Increases	XXXXXXXXXX	1.8	1.9		
Attorney General	2	20	25		
Statewide Indirect		2	5.5		
Agency Indirect	2	2	2.5		
Totals: must agree with cost on Fee Review Form	283	348.8	359.9		

Remarks:

*Agency Direct Expenditures includes a percentage of the administrative office costs to be recovered (61% of 244). It also includes additional appropriations from the legislature (86,000).

*Attorney General costs are estimated at best since past history of costs is limited.

1991 Estimated Receipts: $221,582.75

Renewal Fees for Odd Trans. Licensed in '89			
1326	LSW's	$30.63 =	$40,615
93	LGSW's	$38.28 =	$3,560
224	LISW's	$76.56 =	$17,149
544	LICSW's	$76.56 =	$41,649
Renewal Fees for Odd Trans. Licensed in '90			
955	LSW's	$30.63 =	$29,252
250	LGSW's	$38.28 =	$9,570
260	LISW's	$76.56 =	$19,906
450	LICSW's	$76.56 =	$34,452
Applications for Examination:			
164	X	$25.00 =	$4,100
Feb 1990 Exam Applicant Lic. Fees:			
106	LSW's	$60.00 =	$6,360
19	LGSW's	$100.00 =	$1,900
1	LISW	$150.00 =	$150
Oct 1990 Exam Applicant Lic. Fees:			
50	LSW's	$60.00 =	$3,000
5	LGSW's	$100.00 =	$500
5	LISW's	$150.00 =	$750
5	LICSW's	$150.00 =	$750
Misc. (Duplicate License, copy charges, etc.)			
28	Requests	$15.00 =	$420
CE			
300	Programs	$25.00	$7,500

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : December 17, 1990

TO : PATRICIA NOLTE
Legal Assistant

FROM : THOMAS M. McSTEEN
Special Assistant
Attorney General

PHONE : 297-5944

SUBJECT : **In the Matter of the Proposed Adoption of Rules of the Board of Social Work Relating to Social Worker Licenses**

As we discussed, I am enclosing copies of the comments and the one request for a hearing which were all received by the Board of Social Work.

Please call if you have any questions.

TMM:dmf:CR1
Enclosures
cc: Board Office

September 10, 1990
1040 St. Clair Avenue
St. Paul, MN 55105

Board of Social Work
2700 University Avenue West
St. Paul, MN 55114

Dear Members of the Board of Social Work,

I have reviewed your proposed permanent rules relating to social worker licenses and I have three concerns I would like you to consider. First, I would like to commend you for your hard work on the rules.

Comment #1 The first comment I would like to make is in part 4740.0120, subpart 1, D. I would suggest that supervision forms from the supervisor be sent directly from the supervisor to the Board office. I recall from the summer I spent with the Board that there were some concerns whether some supervisees manipulated supervision forms. To reduce this from occurring, the supervision forms should not pass through the supervisee's hands but go directly from the supervisor to the board office.

Comment #2 My second comment is about the examination, part 4740.0140. I did not read in these rules or in this part that when I take an examination and I fail it that I can retain my original license. It is not clear to me whether I forfeit my original license before the examination or after it. I would strongly suggest that licensees retain their original license until after the results from the exam.

Comment #3 The third comment I would like to make concerns renewal of

license, part 4740.0190. It is not clear to me how I will renew my graduate level license after two years when I have worked as a social worker for only one and a half years. I work in the school system and I don't work for the three months of the summer. I can't show the two years of supervision for my level of license at the time of my renewal. Did I miss a statement in these rules that addresses this point? I would like to a more informative statement addressing this issue.

Thank you for sending me these proposed rules. I have a continued interest in following your activities.

Sincerely,

Peggy L.D. Kessel

BETHEL

COLLEGE

RECEIVED

SEP 14 1990

Office of Social Work / Mental Health Boards

September 13, 1990

TO: MN State Board of Social Work
2700 University Ave. W., Suite 225
St. Paul, MN 55114

FROM: Dr. John Bover, ACSW
Director: Social Work Program

Below are a few comments pertaining to the permanant rules. I doubt that I will be able to attend the hearings in person.

ment #1 Pg. 2 Line 14-15

Council on Social Work Education should have the first letters capitalized. This is an organization.

ment #2 Pg. 3 Line 27

It seems to me that the qualified personnel listed here can sometimes be much less qualified in the professional world of the licensee than the licensee him or herself. It appears here that we are substituting professional supervision for administrative supervision - probably a necessity, but one wonders what the point is when it moves to these kinds of options.

NOTE: I think what makes this document somewhat confusing is that it pertains to much that is already behind us, particularly in the grandparenting arena. I am wondering why the grandparenting provisions need to be included in the permanent roles. Perhaps all the rules pertaining to the historical start-up of the program could be in a separate category so that one is not confused in going through the document as to whether the rule is currently relevant or only speaks to grandparenting issues.

mment #3 Pg. 5 Line 28

It seems to be saying that there must be a documentation of supervision by the first reneval period for the LSW. Will this same criteria be used for each reneval or just the first? Also, what happens if newly licensed LSW's do not move into practice immediately? How do these persons maintain their license, particularly in relationship to the

DEPARTMENT OF SOCIAL WORK
3900 BETHEL DRIVE
ST. PAUL, MINNESOTA 55112
612-638-6294

necessary supervision? Practically speaking, LSW's get licensed upon graduation and sometimes it takes a rather long time to find their first employment. What happens if all - or the majority - of the graduate's first two years (before renewal) are not spent in social work practice and therefore without the necessary supervision?

nt #4 Pg. 6 Line 29

Here it appears that the LGSW must have 50 hours of documented supervision at each two year reneval point. Again the same question applies as vas raised earlier. If the person does not engage in practice during this time period, hov can the 50 hours be obtained? Also, is there a double standard? Does the LGSW need 50 hours for each reneval and the LSW only for the first reneval? In reading this, it is my assumption that the only way the LGSW can move from needing 50 hours of supervision per biennium is to become an LISW or an LICSW. Is this a correct interpretation?

NOTE: It is my understanding in reading this that the LISW and the LICSW do not need to formally document supervision post-licensure.

NOTE: In carefully reading these rules, it is obvious that a licensee can get into considerable trouble just by administratively overlooking some of his/her responsibilities. I hope that there vill be a very clear guidebook that vill highlight some of these necessary procedures so that licensees do not get into trouble simply because they did not carefully read some of the fine print.

ent #5 Pg. 22 Line 1

A general question on continuing education - will there be any difficulty in receiving continuing education credit for vorkshops and conferences (such as national conferences out of state) vithout prior approval? Also, can an individual submit continuing education hours along the way so that one's status is known in the event there are questions raised by the board?

- -

NOTE: Thank you, Board of Social Work, for the hard work you have done in instituting this significant lav. You have been overwhelmed by numbers and all the other practical realities of getting a nev procedure off and running. I appreciate your competent and dedicated service.

CENTRAL MINNESOTA MENTAL HEALTH CENTER

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TEL. (612) 252-5010

RECEIVED
OCT 18 1990
Office of Social Work / Mental Health Boards

October 16, 1990

Patricia Puetz, Executive Director
State of Minnesota Board of Social Work
2700 University Avenue, Suite 225
St. Paul, MN 55114

RE: Notice of Intent to Adopt Rules Without Public Hearing - Opposition

Dear Ms. Peutz:

In general, I am against giving people carte blanche to establish rules which directly affect me without any input from me. It appears to me that that is what is being requested in your attempt to adopt rules without a public hearing. According to the State Register (Monday, 15 October 1990) "If adopted, the proposed rules would establish definitions, set forth education, experience, and supervision required for licensure, to establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees." From the little contact I have had with the Board so far, it seems to me that the Board has already done these things. Or, am I wrong? It does appear that standards for reciprocity licensure for example, an issue which directly affects me, have been established. Has the Board acted improperly by establishing definitions without legal authority to do so? As you know, I am new to the State and Minnesota obviously does things differently than we did in Illinois. Please help me learn the Minnesota way.

Until convinced differently, I do wish to make this my written request for a public hearing on the proposed rules. Would you also please send me a free copy of the rules? Perhaps that will better help me understand the situation about which I have concerns.

Sincerely,

C. N. (Nick) Johnston, Jr., Ph.D., LCSW (IL)
Executive Director

CNJ/crg

The Central Minnesota Mental Health Center does not discriminate in access to treatment services due to race, color, national origin or handicap. All residents of Benton, Sherburne, Stearns and Wright Counties are eligible for services.

A MINNESOTA NON-PROFIT CORPORATION

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF SOCIAL WORK

In the Matter of the
Proposed Adoption of
Rules of the
Board of Social Work
Relating to Social Work Licenses

DECLARATION OF COUNSEL

I, Thomas M. McSteen, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 50.19X4.0475.

Dated: 12/12/90.

Thomas M. McSteen

THOMAS M. McSTEEN
Special Assistant
Attorney General