

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Kandiyohi county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land that may be conveyed is located in Kandiyohi county and is described as Outlot C, Parkers Lake Elizabeth Estates, Section 34, Township 119 North, Range 33 West.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor April 17, 1995

Signed by the governor April 18, 1995, 12:30 p.m.

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**CHAPTER 63—S.F.No. 1055**

*An act relating to occupations and professions; exempting certain social workers from requirement to obtain home care provider license; exempting some social workers employed in a hospital or nursing home from examination; modifying licensure requirements; requiring hospital and nursing home social workers to be licensed; amending Minnesota Statutes 1994, sections 144A.46, subdivision 2; 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2, and by adding a subdivision; and 148B.60, subdivision 3; repealing Minnesota Statutes 1994, sections 148B.23, subdivision 1a; and 148B.28, subdivision 6.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 144A.46, subdivision 2, is amended to read:

Subd. 2. **EXEMPTIONS.** The following individuals or organizations are exempt from the requirement to obtain a home care provider license:

(1) a person who is licensed as a registered nurse under sections 148.171 to 148.285 and who independently provides nursing services in the home without any contractual or employment relationship to a home care provider or other organization;

(2) a personal care assistant who provides services under the medical assistance program as authorized under sections 256B.0625, subdivision 19, and 256B.04, subdivision 16;

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(3) a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.0625, subdivision 19, and 256B.04, subdivision 16;

(4) a person who is registered under sections 148.65 to 148.78 and who independently provides physical therapy services in the home without any contractual or employment relationship to a home care provider or other organization;

(5) a provider that is licensed by the commissioner of human services to provide semi-independent living services under Minnesota Rules, parts 9525.0500 to 9525.0660 when providing home care services to a person with a developmental disability;

(6) a provider that is licensed by the commissioner of human services to provide home and community-based services under Minnesota Rules, parts 9525.2000 to 9525.2140 when providing home care services to a person with a developmental disability; or

(7) a person or organization that provides only home management services, if the person or organization is registered under section 144A.43, subdivision 3; or

(8) a person who is licensed as a social worker under sections 148B.18 to 148B.28 and who provides social work services in the home independently and not through any contractual or employment relationship with a home care provider or other organization.

An exemption under this subdivision does not excuse the individual from complying with applicable provisions of the home care bill of rights.

Sec. 2. Minnesota Statutes 1994, section 148B.23, subdivision 1, is amended to read:

Subdivision 1. **EXEMPTION FROM EXAMINATION.** (a) For ~~two years~~ 12 months from July 1, ~~1987~~ 1995, the board shall issue a license without examination to an applicant who:

(1) has received a baccalaureate degree from an accredited program of social work or from a nationally or regionally accredited college or university;

(2) after receiving the degree, practiced social work, as defined by section 148B.18, subdivision 11, in a hospital or a nursing home licensed under chapters 144 and 144A at some time between July 1, 1984, and July 1, 1996; and

(3) meets the qualifications for the requested level of licensure in paragraph (b).

(b) In addition to the requirements in paragraph (a):

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(1) for a licensed social worker license, 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 the applicant need not meet further requirements;

(2) for a licensed graduate social worker license, if the board determines that the applicant has must have 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 related to social work, as approved by the board, from a nationally or regionally accredited college or university;

(3) for a licensed independent social worker license, if the board determines that the applicant has must have 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 related to social work, as approved by the board, from a nationally or regionally accredited college or university; and, after receiving the degree, has practiced social work for at least two years in full-time employment or for 4,000 hours of part-time employment under the supervision of a social worker meeting these requirements, or of another qualified professional; and

(4) for a licensed independent clinical social worker license, if the board determines that the applicant has must have 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 related to social work, as approved by the board, from a nationally or regionally accredited college or university; and, after receiving the degree, has practiced clinical social work for at least two years in full-time employment or for 4,000 hours of part-time employment under the supervision of a clinical social worker meeting these requirements, or of another qualified mental health professional.

(b) During the period beginning August 1, 1991, and ending September 30, 1991, the board shall issue a license without examination to an applicant who was licensed as a school social worker by the board of teaching between July 1, 1987, and July 1, 1989. To qualify for a license under this paragraph, the applicant must:

(1) provide evidence, as determined by the board, of meeting all other licensure requirements under paragraph (a);

(2) provide evidence, as determined by the board, of practicing social work between July 1, 1987, and July 1, 1989, at the level of licensure being applied for;

(3) provide verification, on a form provided by the board, that the license

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held with the board of teaching was in good standing while licensed under their jurisdiction; and

(4) provide a completed application, including all information required in this paragraph, by September 30, 1991.

(e) The board shall allow an applicant who became licensed as a school social worker by the board of teaching between July 1, 1989, and July 1, 1990, to take the social work licensure examination and, upon passing the examination, to receive a license. To qualify for a license under this paragraph, the applicant must:

(1) take and pass one of the next two regularly scheduled social work licensure examinations administered after June 5, 1991;

(2) provide verification, on a form provided by the board, that the license held with the board of teaching is in good standing; and

(3) provide a completed application, including all information required in this paragraph, by the board's examination application deadline for the February 1992 licensure examination.

Sec. 3. Minnesota Statutes 1994, section 148B.23, subdivision 2, is amended to read:

Subd. 2. **OTHER REQUIREMENTS.** An applicant licensed under this section must also agree to:

(1) engage in social work practice only under the applicable supervision requirements provided in section 148B.21 for each category of licensees; however, the supervised social work experience which an applicant licensed as a licensed social worker must demonstrate under section 148B.21 may have been obtained before initial licensure; and

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

Sec. 4. Minnesota Statutes 1994, section 148B.27, subdivision 2, is amended to read:

Subd. 2. **USE OF TITLES.** After the board adopts rules, no individual shall be presented to the public by any title incorporating the words "social work" or "social worker" unless that individual holds a valid license issued under sections 148B.18 to 148B.28. City, county, and state agency social workers who are not licensed under sections 148B.18 to 148B.28 may use the title city agency social worker or county agency social worker or state agency social worker. ~~Hospital social workers who are not licensed under sections 148B.18 to 148B.28 may use the title hospital social worker while acting within the scope of their employment.~~

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Sec. 5. Minnesota Statutes 1994, section 148B.27, is amended by adding a subdivision to read:

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

Sec. 6. Minnesota Statutes 1994, section 148B.60, subdivision 3, is amended to read:

**Subd. 3. UNLICENSED MENTAL HEALTH PRACTITIONER OR PRACTITIONER.** "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical practice under chapter 147; the board of nursing under sections 148.171 to 148.285; the board of psychology under sections 148.88 to 148.98; the board of social work under sections 148B.18 to 148B.28; the board of marriage and family therapy under sections 148B.29 to 148B.39; or another licensing board if the person is practicing within the scope of the license; or members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

~~(1) hospital and nursing home social workers exempt from licensure by the board of social work under section 148B.28, subdivision 6; including hospital and nursing home social workers acting within the scope of their employment by the hospital or nursing home;~~

~~(2) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;~~

~~(3) (2) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and~~

~~(4) (3) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.~~

Sec. 7. **STUDY.**

The board of social work, in consultation with the Minnesota Hospital Association, shall review the effects of social worker licensure on rural hospitals and report its findings to the house health and human services committee and the senate health care committee by January 15, 1997.

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**Sec. 8. EXTENSION OF EXEMPTION FROM EXAMINATION PERIOD.**

From July 1, 1996 to June 30, 1999, the board of social work may, at its discretion, issue a license without examination to an applicant who would have qualified for licensure under section 2 had the person applied between July 1, 1995 and June 30, 1996, and who demonstrates to the board that the applicant did not have knowledge of the provision for qualifying for licensure under section 2. The board of social work's determination as to whether the applicant had knowledge of the provision for qualifying for licensure under section 2 is final and is not appealable.

**Sec. 9. REPEALER.**

Minnesota Statutes 1994, sections 148B.23, subdivision 1a; and 148B.28, subdivision 6, are repealed effective July 1, 1996.

Presented to the governor April 18, 1995

Signed by the governor April 19, 1995, 2:16 p.m.

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**CHAPTER 64—H.F.No. 1091**

*An act relating to commerce; regulating sales by transient merchants; prohibiting the sale of certain items by certain merchants; prescribing penalties; amending Minnesota Statutes 1994, sections 329.099; and 329.14; proposing coding for new law in Minnesota Statutes, chapter 329.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 329.099, is amended to read:

**329.099 DEFINITION.**

The term "transient merchant" includes any person, individual, copartnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. The term "transient merchant" does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.

**Sec. 2. [329.135] PROHIBITED SALES.**

No transient merchant or seller at a flea market, except an authorized manufacturer's representative, shall offer for sale any of the following items:

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