

CHAPTER 8740

BOARD OF SOCIAL WORK

SOCIAL WORKER LICENSES

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8740.0100 PURPOSE.

This chapter protects the public by

A. setting standards of qualifications, training, and experience for those who seek a license to practice social work in Minnesota, and

B. establishing standards of practice and ethical conduct for persons who seek licenses or who are licensed to practice social work

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0110 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 or any method by which the applicant or licensee makes a statement or representation concerning the applicant or licensee's licensure, qualifications, or credentials, or the nature of social work services offered. Advertising includes, but is not limited to, solicitations, business cards, letters, signs, or devices issued or offered to a person, in a sign or marking in or on a building, in a newspaper, magazine, or other print media; or via the Internet or other live or recorded electronic media

Subp. 2a. **Alternative verification of supervised practice.** "Alternative verification of supervised practice" means evidence satisfactory to the board that an applicant cannot locate a former supervisor and which provides verification of supervised practice

Subp. 3 [Repealed, 23 SR 1382]

Subp. 4 [Repealed, 23 SR 1382]

Subp. 5 [Repealed, 23 SR 1382]

Subp. 6. **Clinical social work.** "Clinical social work" means social work practice that corresponds to the scope of social work practice defined in Minnesota Statutes, section 148B 18, subdivision 11, paragraph (c).

Subp. 7. **Continuing education.** "Continuing education" means a program or activity that meets the requirements of part 8740.0285

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

Subp. 9 [Repealed, 23 SR 1382]

Subp. 10 [Repealed, 23 SR 1382]

Subp. 11 [Repealed, 23 SR 1382]

Subp. 12 [Repealed, 23 SR 1382]

Subp. 13 **Face-to-face supervision.** "Face-to-face supervision" means a direct, interactive, live exchange, either in person, by telephone, or by audio or audiovisual electronic device in either individual supervision or group supervision

Subp. 14 **Group supervision.** "Group supervision" means one supervisor and more than one supervisee or one supervisor and at least one supervisee and other health professionals in related professions in face-to-face supervision. Group supervision is facilitated by the supervisor and involves an exchange among all group members. The size of any group shall be limited to seven, including the supervisor

Subp. 15 [Repealed, 23 SR 1382]

Subp. 16 [Repealed, 23 SR 1382]

Subp. 16a **Individual supervision.** "Individual supervision" means one supervisor and one supervisee in face-to-face supervision.

Subp. 17 [Repealed, 23 SR 1382]

Subp. 18 [Repealed, 23 SR 1382]

Subp. 18a. **Legal representative.** "Legal representative" means a legal guardian, parent of a minor, as defined by law, or other person with the express legal authority to act for or on behalf of the client

Subp. 18b **Licensing examination.** "Licensing examination" means the examination provided by the American Association of State Social Work Boards, or a comparable examination as determined by the board

Subp. 19 [Repealed, 23 SR 1382]

Subp. 20. **Qualified professional.** "Qualified professional" means an individual who has the authority to direct the supervisee's practice and has the ability to provide supervision in accordance with the requirements of part 8740.0130, including, but not limited to, an agency director, a school principal, or a nursing home administrator whom the board accepts as appropriate when a supervisor is unobtainable

Subp. 21 **Supervisee.** "Supervisee" means an applicant or licensee who is engaged in social work practice as permitted by Minnesota Statutes, chapter 148B, or the laws of another jurisdiction under the supervision of a supervisor for the purpose of meeting the requirements under part 8740.0130

Subp. 21a **Supervision.** "Supervision" means the professional relationship between a supervisor and a supervisee in which the supervisor provides evaluation of and direction over the supervisee's practice, for the purpose of the supervisee's professional development, in accordance with the requirements of part 8740.0130

Subp. 22. **Supervisor.** "Supervisor" means a licensee, a person practicing social work without a license as permitted by Minnesota Statutes, section 148B.28, or the laws of another jurisdiction, or a qualified professional or a qualified mental health professional who is authorized under part 8740.0130 to provide supervision to a supervisee

Subp. 23. **Verification of supervised practice.** "Verification of supervised practice" means a written confirmation by the supervisee's supervisor, in a form specified by the board, of the number of hours of supervision, the number of social work practice hours completed under supervision, and the type and frequency of supervision. The supervisor shall also address the supervisee's performance, competence, and adherence to the standards of practice and ethical conduct, and address whether the position description submitted by the supervisee is an accurate description of the supervisee's social work practice. In addition, a supervisor verifying a supervisee's practice of clinical social work shall provide a detailed description of the supervisee's practice

Subp. 24. [Repealed, 23 SR 1382]

Subp. 25 [Repealed, 23 SR 1382]

Statutory Authority: *MS s 148B.20*

History: *23 SR 1382*

8740.0120 APPLICATION AND LICENSING PROCESSES.

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 D.

A. A completed, signed, and notarized application form provided by the board, with the required, nonrefundable application fee specified in part 8740.0290, payable to the Board of Social Work. An application which is not completed, signed, or notarized, or which is not accompanied by the correct fee, shall be returned to the person submitting the application and is void. A person seeking a license from the board must provide the person's legal name, prior names used, and social security number.

B. An official copy of the applicant's transcript, which verifies the major and the degree granted and the date of the degree. Transcripts must be sent directly to the board from the institution granting the degree.

C. For an application for licensure as a licensed independent social worker or a licensed independent clinical social worker, verification of supervised practice in a form specified by the board from each supervisor whom the applicant has identified on the application form, verifying that the applicant has met the applicable supervised practice requirements in part 8740.0130. The supervisor shall submit the verification of supervised practice directly to the board. If an applicant cannot locate the supervisor, the board may accept alternative verification of supervised practice.

D. For persons who have held or hold a social work or related license or other credential from another jurisdiction, verification of the other license or other credential, in a form specified by the board, including the effective and expiration dates of the license, whether the license was obtained by examination or another basis, and whether the license is in good standing.

Subp. 1a **Taking licensing examination.** If the board determines that an applicant meets the degree and any supervised practice requirements, the board shall notify the applicant of the board's approval for the applicant to take the licensing examination.

Subp. 2 **Taking licensing examination before completing degree requirements.** An applicant enrolled in an accredited program of social work may take the licensing examination during the six-month period before the date on which the applicant expects to complete the requirements of a degree if the applicant submits, with the application for licensure, a letter from the department chair or advisor at the accredited program of social work verifying

A. that the applicant is in good standing in the accredited program of social work,

B. the date of the applicant's expected completion of the requirements of a degree, and

C. that the person will complete a major in social work.

Subp. 2a **Approval of application for licensure.**

A. An applicant has the burden of proving that the applicant has satisfied all requirements for licensure.

B. If an applicant obtains a passing score on the appropriate licensing examination, and if the applicant has met all other requirements for licensure, including that the applicant has not engaged in any conduct warranting disciplinary action against a licensee, the board shall notify the applicant that the applicant's application for licensure has been approved. The board shall also notify the applicant of the license fee, as specified in part 8740.0290, which must be paid to the board before the board may issue a license to the applicant.

C. The applicant must pay the correct license fee within 60 days of the date of the board's notice that the application for licensure has been approved. If the board does not receive the correct license fee within 60 days, the application for licensure is void. To obtain licensure, the applicant shall submit a new application for licensure and the appropriate fee and demonstrate that the applicant has met all other requirements for licensure.

Subp. 2b **Ineligible for licensure.** An applicant without a baccalaureate or a master's degree from an accredited program of social work or a doctoral degree in social work shall be ineligible for licensure, and the applicant's application for licensure shall be void. The board's voiding the application is not subject to judicial review.

Subp. 2c **Denial of application for licensure.** If the board determines that an applicant has not met the licensing requirements, the board shall deny the applicant's application for licensure. An applicant who fails the licensing examination may reapply for licensure and retake the licensing examination in a time and manner specified by the board. An applicant whose application for licensure is denied on the basis of having engaged in conduct warranting disciplinary action against a licensee shall not reapply for one year from the date of the denial of the application unless a different time period is specified by the board.

Subp. 2d **Passing score on licensing examination.** A passing score on the licensing examination shall be accepted by the board for eight years from the date of the licensing examination.

Subp. 3 **Verification of information; voiding an application.** An applicant, by submitting an application, authorizes the board to investigate the applicant's background, including the information provided as part of the application process. The board may request that the applicant provide additional information, verification, or documentation to aid in the board's review of the application. If an applicant does not provide the additional information, verification, or documentation in the manner and time directed by the board, the application shall be void. The applicant may reapply by submitting the application materials required under this part, including payment of the application fee.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0122 EFFECTIVE DATE; EXPIRATION DATE; RENEWAL; CHANGE IN LICENSE.

Subpart 1 **Effective date of an initial license.** The effective date of an initial license is the day on which the board receives the correct and payable license fee from an applicant approved for licensure. Upon receipt of the correct and payable fee, the board shall issue a license number, a license certificate, and a license card appropriate to the initial license.

Subp. 2 **Expiration date of an initial license.** The expiration date of an initial license is the last day of the licensee's birth month in the second calendar year following the effective date of the initial license.

Subp. 3 **License renewal; effective date and expiration date.** A license may be renewed, pursuant to the requirements of part 8740 0200, for a two-year term. The effective date of a renewed license is the day following the expiration date of the license. The expiration date of a renewed license is the last day of the licensee's birth month in the second calendar year following the effective date of the renewed license. A license may be renewed for continuous two-year terms provided the requirements of part 8740 0200 are met.

Subp. 4. **Renewal cycle.** The renewal cycle is the period of time from the effective date of an initial or renewed license to the expiration date of an initial or renewed license.

Subp. 5 Change in licensure.

A. A licensee who applies for and is approved for a different license must pay the difference between the license fees for the two licenses, prorated from the date of the board approval of the new license to the expiration date of the initial or the renewed license, and return the license certificate and license card for the first license. The effective date of the new license is the day on which the board receives the correct and payable prorated difference in the license fees and the license certificate and license card. Upon receipt of the correct and payable fee and the license certificate and license card, the board shall issue a new license certificate and license card appropriate to the new license. The licensee shall retain the same license number.

B. The expiration date of the new license shall be the same date as the expiration date of the initial or renewed license held prior to the change in license. The licensee must document compliance with the continuing education requirements of part 8740 0200 by the expiration date as if there had been no change in license. The new license may be renewed consistent with this part and part 8740 0200.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0130 SUPERVISED PRACTICE REQUIREMENTS.**Subpart 1 General.**

A The supervision required under this part is to meet licensing requirements. This part does not prohibit applicants or licensees from participating in other supervision relationships for purposes other than meeting the requirements of this part

B The supervised social work practice must be obtained while the supervisee is employed in a paid social work position or in an unpaid social work position which meets the criteria in subpart 7

C. If a supervisee cannot locate the supervisor for the purpose of verifying the supervised practice obtained to meet the requirements of this part, the board shall accept alternative verification of supervised practice

D. The supervised practice required under this part shall be unacceptable if the supervisor attests in a form specified by the board that the supervisee's performance, competence, or adherence to the standards of practice and ethical conduct has been unsatisfactory

E. The board shall not accept the verification of supervised practice required under this part or approve a supervision plan required under this part if it finds the supervisor to be unqualified or unacceptable to provide supervision.

Subp 1a Types of supervision. The supervision required under this part may consist of individual supervision and group supervision. Group supervision may not constitute more than one-half of the number of supervision hours required under this part. At least two-thirds of the number of supervision hours required under this part must be in-person supervision. At least two-thirds of the number of individual supervision hours completed must be in-person supervision, and at least two-thirds of the number of group supervision hours completed shall be in-person supervision

Subp. 1b Content of supervision. The content of supervision must include.

A the transmission of social work knowledge, skills, values, and ethics with specific application to the practice issues faced by the supervisee,

B. the standards of practice and ethical conduct, with particular emphasis given to the social worker's role and appropriate responsibilities, professional boundaries, and power dynamics, and

C. the supervisee's permissible scope of practice, as defined by Minnesota Statutes, section 148B 18, subdivision 11

Subp 1c Supervision plan.

A A licensee obtaining supervision under this part shall submit, in a form specified by the board, a written plan for meeting the supervision requirements. The supervision plan must be submitted no more than 30 days after beginning a social work practice position

B If the board determines that the supervision plan submitted meets the applicable supervision requirements, then the supervisee's completion of the supervised practice, as verified under this part, will apply toward the supervised social work practice requirement provided that there was no substantial change from the approved supervision plan

C. If the board determines that the proposed supervision plan does not meet the applicable supervision requirements, then, upon notification by the board, the licensee, if practicing social work in a setting for which licensure is required, shall comply immediately with the supervision requirements of this part and submit a revised supervision plan that complies with this subpart.

D. A licensee shall submit a new supervision plan, within 30 days of any of the following changes, when

(1) the licensee has a new supervisor,

(2) the scope or content of the social work practice changes substantially during the course of the supervision; or

(3) the licensee begins a new social work position.

E The board shall grant a waiver of this subpart to a supervisee who provides verification of completed supervised practice that meets the requirements of this part.

F The supervision plan requirement shall apply only to applicants or licensees who have not yet secured an appropriate supervisor for their current social work practice

position by December 21, 1998 Applicants or licensees who have secured an appropriate supervisor for their current social work practice by December 21, 1998, must submit a supervision plan within 30 days of any of the following changes

- (1) when the licensee has a new supervisor,
- (2) when the scope or content of the social work practice changes substantially during the course of the supervision, or
- (3) when the licensee begins a new social work position

Subp 2. [Repealed, 23 SR 1382]

Subp 2a. Proportionate increase in supervision hours. Applicants and licensees who have already accumulated hours of appropriate supervised practice by December 21, 1998, must obtain the additional hours of supervision specified in subparts 3 to 6 on a proportionate basis for the remaining portion of the required two years of full-time or 4,000 hours of part-time social work practice, for the remaining portion, applicants and licensees must obtain at least three hours of supervision per calendar month for full-time practice or, for part-time practice, a prorated number of hours of supervision per calendar month corresponding to the number of part-time practice hours.

Subp 3 Licensed social worker.

A A licensed social worker must obtain, following the effective date of a license, a minimum of 75 hours of appropriate supervision for the first two years of full-time or 4,000 hours of part-time social work practice The supervision must be continuous and the 75 hours must be evenly distributed over the course of the supervised social work practice, with at least three hours of supervision per calendar month for full-time practice or, for part-time practice, a prorated number of hours of supervision per calendar month corresponding to the number of part-time practice hours The required supervised practice must be completed under an approved supervision plan

B Supervision must be provided by

- (1) a licensed social worker who has documented the completion of the supervision requirements under this part, a licensed graduate social worker, a licensed independent social worker, or a licensed independent clinical social worker, or
- (2) a supervisor practicing social work without a social work license, as permitted by Minnesota Statutes, section 148B 28, or the laws of another jurisdiction, who would meet the degree and supervised practice requirements, if applicable, for a license as a licensed social worker, a licensed graduate social worker, a licensed independent social worker, or a licensed independent clinical social worker

If the board determines that appropriate social work supervision is unobtainable under this part, then the board shall accept supervision from a qualified professional, or a qualified mental health professional.

C A licensed social worker must provide verification of the supervised practice completed under an approved supervision plan at the time of application for the first renewal of a license A licensed social worker who has practiced under acceptable supervision but who has not completed the required hours of supervision by the first license renewal must continue to be supervised until completion of the required hours The balance of supervised practice hours completed after the first renewal of a license shall be documented upon completion either before or at subsequent license renewals.

Subp 4 Licensed graduate social worker.

A. A licensed graduate social worker must be supervised while practicing social work A licensed graduate social worker must provide verification of the supervised practice completed under an approved supervision plan at each license renewal A licensed graduate social worker must obtain 75 hours of appropriate supervision for each two years of full-time or 4,000 hours of part-time social work practice. The supervision must be continuous and the 75 hours must be evenly distributed over the course of the supervised social work practice, with at least three hours of supervision per calendar month for full-time practice or, for part-time practice, a prorated number of hours of supervision per calendar month corresponding to the number of part-time practice hours. The required supervised practice must be completed under an approved supervision plan

B Supervision must be provided by a licensed independent social worker, by a licensed independent clinical social worker, or by a supervisor practicing social work without a social work license, as permitted by Minnesota Statutes, section 148B 28, or the laws of another jurisdiction, who would meet the degree and supervised practice requirements for a license as a licensed independent social worker or a licensed independent clinical social worker. If the licensed graduate social worker is practicing clinical social work, then the supervision must be provided by a licensed independent clinical social worker or by a supervisor practicing social work without a social work license, as permitted by Minnesota Statutes, section 148B.28, or the laws of another jurisdiction, who would meet the degree and supervised practice requirements for a license as a licensed independent clinical social worker. If the board determines that appropriate social work supervision is unobtainable under this part, then the board shall accept supervision from a qualified professional or a qualified mental health professional. If the board determines that appropriate social work supervision is unobtainable and the licensed graduate social worker is practicing clinical social work, only a qualified mental health professional shall be acceptable.

Subp 5 Licensed independent social worker.

A. A supervisee applying for licensure as a licensed independent social worker must provide verification of the supervised practice completed, for a minimum of 75 hours of appropriate supervision for two years of full-time or 4,000 hours of part-time social work practice after having received the degree required for licensure as an independent social worker. The supervision must have been obtained while licensed as a licensed graduate social worker or while practicing social work without a license as permitted by Minnesota Statutes, section 148B.28, or the laws of another jurisdiction. The supervision must have been continuous and the 75 hours must have been evenly distributed over the course of the supervised social work practice, with at least three hours of supervision per calendar month for full-time practice or, for part-time practice, a prorated number of hours of supervision per calendar month corresponding to the number of part-time practice hours. Licensees must complete this required supervised practice under an approved supervision plan.

B. Supervision must have been provided by a licensed independent social worker or licensed independent clinical social worker, or by a supervisor practicing social work without a social work license, as permitted by Minnesota Statutes, section 148B 28, or the laws of another jurisdiction, who would meet the degree and supervised practice requirements for a license as a licensed independent social worker or a licensed independent clinical social worker. If the board determines that appropriate social work supervision is unobtainable under this part, the board shall accept supervision from a qualified professional or a qualified mental health professional.

C. A licensed independent social worker is not required to be supervised, except that a licensed independent social worker practicing clinical social work must be supervised for the portion of the licensed independent social worker's practice that constitutes clinical social work by:

(1) a licensed independent clinical social worker or by a supervisor practicing social work without a social work license, as permitted by Minnesota Statutes, section 148B.28, or the laws of another jurisdiction, who would meet the degree and supervised practice requirements for a license as a licensed independent clinical social worker; or

(2) if the board determines that appropriate social work supervision is unobtainable, by a qualified mental health professional.

Subp 6 Licensed independent clinical social worker.

A. A supervisee applying for licensure as a licensed independent clinical social worker must provide verification of the supervised practice completed, for a minimum of 75 hours of appropriate supervision for two years of full-time or 4,000 hours of part-time clinical social work practice after having received the degree required for licensure as an independent clinical social worker. The supervision must have been obtained while licensed as a licensed graduate social worker or a licensed independent social worker, or while practicing social work without a license as permitted by Minnesota Statutes, section 148B.28, or the laws of another jurisdiction. The supervision must have been continuous and the 75 hours must have been evenly distributed over the course of the supervised clinical social work practice, with at least three hours of supervision per calendar month for full-time practice or,

for part-time practice, a prorated number of hours of supervision per calendar month corresponding to the number of part-time practice hours. Licensees must complete this required supervised practice under an approved supervision plan.

B Supervision must have been provided by a licensed independent clinical social worker, or by a supervisor practicing social work without a social work license, as permitted by Minnesota Statutes, section 148B 28, or the laws of another jurisdiction, who would meet the degree and supervised practice requirements for a license as a licensed independent clinical social worker. If the board determines that appropriate social work supervision is unobtainable under this part, the board shall accept supervision from a qualified mental health professional.

Subp 7 Applicability of unpaid social work practice. Supervised unpaid social work practice shall apply toward the supervised practice requirement if the supervisee demonstrates that the supervised social work practice was not part of the supervisee's academic degree program used to qualify for a social work license and that the supervised social work practice meets all other supervision requirements under this part.

Subp 8 Unobtainable supervision.

A The board may determine that appropriate social work supervision is unobtainable if the supervisee provides written documentation satisfactory to the board that the supervisee has conducted a thorough search for the supervision required under this part and that the search was unsuccessful.

B A thorough search consists of a search for the appropriate social work supervision both within the supervisee's agency or organization and outside of the agency or organization within a reasonable geographic proximity. The supervisee must describe the extent of the search, the names and locations of the persons and organizations contacted, and the geographic limitations of the areas in which the supervisee resides and works.

C The supervisee's request under this subpart must also include proposed alternative supervision arrangements, including the name and credentials of the qualified professional or the qualified mental health professional.

D The board shall not consider appropriate social work supervision to be unobtainable on the grounds

(1) that compliance with the requirements of this part would present a financial hardship,

(2) that the supervisee is unable to secure appropriate social work supervision within the supervisee's agency or organization and the agency or organization will not allow outside supervision, or

(3) that the specialized nature of the supervisee's practice requires supervision from a nonsocial work supervisor practicing in the same specialized area.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0140 [Repealed, 23 SR 1382]

8740.0145 [Repealed, 23 SR 1382]

8740.0150 [Repealed, 23 SR 1382]

8740.0155 RECIPROCITY.

Subpart 1 Eligibility. An applicant for licensure by reciprocity must hold a current license or other credential to practice social work in another jurisdiction and demonstrate to the board that the requirements which the applicant met for the issuance of the license or credential are substantially similar to the board's requirements for licensure in Minnesota and that the license or credential is in good standing.

Subp 2 Application. An applicant for licensure by reciprocity must meet all of the application requirements in part 8740 0120, and Minnesota Statutes, chapter 148B, except as specified in this part. An applicant for licensure by reciprocity must identify all of the jurisdictions in which the applicant has held or holds a license or other credential to practice social work.

Subp 3. **Substantially similar.** The board shall compare the licensure requirements in the other jurisdiction to the requirements for licensure under Minnesota Statutes, section 148B 21, to determine whether the requirements are substantially similar. The board shall not determine that the requirements are substantially similar unless the applicant has received a degree in social work from an accredited program of social work.

Subp 4 **Supervised practice.** An applicant for licensure by reciprocity must meet the applicable supervised practice requirements under part 8740 0130 for the license for which the applicant is applying. The supervised practice may have been obtained before or after issuance of the license or credential in the other jurisdiction.

Subp 5 **Examination waived.** An applicant for licensure by reciprocity who demonstrates a passing score on the licensing examination is not required to take the licensing examination.

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0160 [Repealed, 23 SR 1382]

8740.0170 [Repealed, 23 SR 1382]

8740.0180 [Repealed, 23 SR 1382]

8740.0185 NAME CHANGE; DUPLICATE LICENSE CERTIFICATE OR CARD.

Subpart 1 **Name change.** When a licensee changes the licensee's legal name, the licensee must request a new license certificate no more than 30 days after the date of the legal name change. The board shall issue a new license certificate and license card when the licensee provides legal verification of the name change, pays the duplicate license certificate fee specified in part 8740 0290, and returns the original license certificate or submits an affidavit that the original license certificate was lost, stolen, or destroyed.

Subp 2 **Obtaining a new license certificate or license card.** A duplicate license certificate shall be issued for the fee specified in part 8740.0290 when the licensee submits an affidavit to the board that the original license certificate was lost, stolen, or destroyed, or when the licensee submits a written request for a duplicate license certificate for another place of practice or office location. A duplicate license card shall be issued for the fee specified in part 8740 0290 when the licensee submits a written request for a duplicate card.

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0187 CHANGE OF ADDRESS.

A licensee shall notify the board in writing of any change of mailing address, home address, if different, and home and business telephone number no more than 30 days after the change.

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0190 [Repealed, 23 SR 1382]

8740.0195 [Repealed, 23 SR 1382]

8740.0200 LICENSE RENEWAL PROCEDURES.

Subpart 1 **Application and service.** The board will mail an application for license renewal to a licensee at least 45 days before the expiration date of the license. Placing the application for license renewal in first class United States mail, addressed to the licensee at the licensee's last known mailing address with postage prepaid, constitutes valid mailing. Failure to receive the renewal documents does not relieve a licensee holder of the obligation to renew a license or to pay the renewal fee.

Subp 2 [Repealed, 23 SR 1382]

Subp 2a **Applying for renewal of a license.** In order to renew a license, a licensee must submit a completed, signed application for license renewal, with the required, nonre-

fundable license renewal fee as specified in part 8740 0290, payable to the Board of Social Work. The application must be postmarked or received by the board by the end of the business day on the licensee's expiration date. An application which is not completed or signed, or which is not accompanied by the correct fee, shall be returned to the licensee and is void. If the application for license renewal is received after the expiration date, the licensee shall pay a late fee as specified in part 8740 0290, payable to the Board of Social Work, in addition to the renewal fee, before the application for license renewal will be considered by the board.

Subp 2b. License renewal requirements. A licensee must document compliance with the continuing education requirements, pursuant to part 8740 0285, and, if applicable, the supervised practice requirements, pursuant to part 8740.0130, and provide any other information requested by the board.

Subp 2c License renewal. If a licensee meets the requirements of this part, the board shall renew the license and issue the licensee a new license card valid for one renewal cycle.

Subp 2d Pending renewal. If a licensee's application for license renewal is postmarked or received by the board by the end of the business day on the licensee's expiration date, the licensee may continue to practice after the expiration date while the application for license renewal is pending with the board.

Subp 2e. Practice prohibited. A licensee who fails to submit an application for license renewal or whose application for license renewal is not postmarked or received by the board by the end of the business day on the licensee's expiration date is not authorized to practice after the expiration date and is subject to disciplinary action by the board for any practice after the expiration date.

Subp 3 Expired license.

A A licensee's failure to renew a license within 60 days of the expiration date, failure to meet the license renewal requirements of this part, or failure to provide all of the information as directed by the board shall result in an expired license. An individual with an expired license must return the license certificate and the most recent license card to the board within ten days of the notice of the expired license. An individual with an expired license who desires to be licensed again must submit a new application for a license, pay the application fee, and meet all other requirements for licensure.

B The board shall retain jurisdiction over an expired license and may take disciplinary action against an expired license based on conduct occurring before the expiration of the license.

C The board shall reinstate an expired license when the licensee demonstrates to the board that the licensee was unable to comply with the license renewal requirements due to a mental or physical condition.

Subp 4 [Repealed, 23 SR 1382]

Statutory Authority: *MS s 148B.20*

History: *23 SR 1382*

8740.0205 [Repealed, 23 SR 1382]

8740.0210 [Repealed, 23 SR 1382]

8740.0220 [Repealed, 23 SR 1382]

8740.0222 INACTIVE LICENSE STATUS.

Subpart 1 Defined; qualifications. A license may be placed on inactive status if a licensee is not practicing social work in Minnesota and the licensee does not wish to meet license renewal requirements every two years. A licensee qualifies for inactive status if the licensee demonstrates to the board that the licensee is not practicing social work, as defined by Minnesota Statutes, section 148B 18, in any setting in Minnesota.

Subp 2. Application.

A. A licensee may apply for inactive status: (1) at any time by submitting a written request for inactive status; or (2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal form and submitting the completed, signed form. The application for inactive status must be accompanied by the nonrefundable

inactive status fee specified in part 8740.0290, payable to the Board of Social Work. An application which is not completed or signed, or which is not accompanied by the correct inactive status fee, shall be returned to the licensee and is void. If the application for inactive status is received after the expiration date, the licensee shall pay a late fee as specified in part 8740.0290, payable to the Board of Social Work, in addition to the inactive status fee, before the application for inactive status will be considered by the board.

B. The licensee shall also submit a completed, signed, and notarized affidavit in a form specified by the board. The affidavit for inactive status must verify that the licensee will not use the title social worker and will not engage in social work practice in any setting in Minnesota after the date of the board's approval of the application for inactive status.

C. The licensee shall also submit the license certificate or a completed, signed, and notarized affidavit that the license certificate was lost, stolen, or destroyed before the application for inactive status will be considered by the board. The board shall hold the license certificate while the license is on inactive status.

Subp. 3. Approval. The board shall approve an application for inactive status if the qualifications and application requirements have been met.

Subp. 4. Practice prohibited. Licensees on inactive status shall not practice, attempt to practice, offer to practice, or advertise or hold themselves out as authorized to practice social work in any setting in Minnesota and shall use only the title "social worker – inactive status."

Subp. 5. Time limit on inactive status. A licensee may maintain a license on inactive status for up to ten consecutive years. Within 30 days after the end of this ten-year period, the licensee must apply for reactivation of the license or the license will expire.

Subp. 6. Continuing education requirement. A licensee whose license is on inactive status must continue to obtain the continuing education hours required by part 8740.0285 that would be required if the licensee's license were on active status.

Subp. 7. Reactivating a license.

A. To reactivate a license, a licensee must complete an application for reactivation of a license, in a form specified by the board; document compliance with the continuing education hours required by subpart 6 and any continuing education hours not reported by the last expiration date of the license; submit a supervision plan under part 8740.0130, if required; pay a prorated license renewal fee for the balance of the biennial renewal cycle, and pay the duplicate license certificate fee specified in part 8740.0290, if the original license certificate was not returned to the board with the application for inactive status.

B. If a licensee who reactivates a license has been on inactive status for five or more consecutive years and has not practiced social work during this period, the licensee must receive at least 38 hours of supervision for the first year of full-time practice or 2,000 hours of part-time practice, in accordance with the supervised practice requirements in part 8740.0130 for application to the licensee's current level. A licensee must submit a supervision plan before beginning practice, in accordance with part 8740.0130. A licensee must have the supervisor submit verification of the supervised practice in a form specified by the board within 30 days of completing this supervised practice requirement. This supervision requirement shall be waived if the licensee can document at least two years of social work practice, outside of Minnesota, within the previous five-year period.

C. For licensed social workers, the completed hours of supervised practice required under this subpart apply toward any remaining hours required by part 8740.0130, subpart 3.

D. Licensed graduate social workers and licensed independent social workers shall complete this supervised practice requirement before applying for another social work license. Supervised practice hours obtained to meet this requirement may be applied toward the supervised practice requirement for another social work license.

Subp. 8. License or renewal fee. A licensee who is approved for inactive status before the end of the renewal cycle may not receive a refund for any portion of the license fee or renewal fee.

Subp. 9. Disciplinary or corrective action. The board shall retain jurisdiction over a license on inactive status and may take disciplinary or corrective action against the licensee.

based on conduct occurring before inactive status was granted or during the inactive status period

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0225 [Repealed, 23 SR 1382]

8740.0227 EMERITUS LICENSE.

Subpart 1 **Defined; qualifications.** A licensee may apply for an emeritus license if the licensee is retired from social work practice and does not intend to practice social work in any setting in Minnesota. A licensee shall qualify for an emeritus license if the licensee demonstrates to the board that the licensee is not practicing social work, as defined in Minnesota Statutes, section 148B 18, and verifies that the licensee is retired from social work practice.

Subp. 2 **Application.**

A A licensee may apply for an emeritus license: (1) at any time by submitting a written application for an emeritus license, or (2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal form and submitting a completed, signed form. The application for an emeritus license must be accompanied by the one-time, nonrefundable emeritus license fee specified in part 8740.0290, payable to the Board of Social Work. An application which is not completed or signed, or which is not accompanied by the correct emeritus license fee shall be returned to the licensee and is void.

B The licensee shall also submit a completed, signed, and notarized affidavit, in a form specified by the board, either with the written application for an emeritus license or the application for license renewal form, or upon request from the board. The affidavit for an emeritus license must verify that the licensee will not use the title social worker and will not engage in social work practice in any setting in Minnesota after the date of the board's approval of the application for an emeritus license.

C The licensee shall also submit the license certificate or a completed, signed, and notarized affidavit that the license certificate was lost, stolen, or destroyed before the application for an emeritus license will be considered by the board.

Subp 3 **Approval.** The board shall approve an application for an emeritus license if the qualifications and application requirements have been met. Upon approval of an application for an emeritus license, the board shall issue an emeritus license certificate.

Subp 4 **Practice prohibited.** A licensee with an emeritus license shall not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work in any setting in Minnesota, and shall use only the title "social worker emeritus."

Subp 5 **Reactivating a license.** A licensee with an emeritus license may reactivate a license by meeting the requirements of part 8740.0222, subpart 7.

Subp 6 **License or renewal fee.** A licensee who applies for and is approved for an emeritus license before the end of the renewal cycle may not receive a refund for any portion of the license fee or renewal fee.

Subp. 7 **Disciplinary action.**

A The board may resolve any pending complaints against a licensee before approving an application for an emeritus license.

B The board shall retain jurisdiction and may take disciplinary action against a licensee holding an emeritus license based on conduct occurring before issuance of the emeritus license.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0230 [Repealed, 23 SR 1382]

8740.0240 VOLUNTARY TERMINATION OF LICENSE.

Subpart 1 **Voluntary termination.** A licensee may request voluntary termination of a license if a licensee is not practicing social work, as defined by Minnesota Statutes, section 148B 18, in a setting in Minnesota for which licensure is required.

Subp. 2 Process.

A A licensee may request voluntary termination (1) at any time by submitting a written request for voluntary termination, or (2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal form and submitting the completed, signed form. A written request which is not completed or signed shall be returned to the licensee and is void

B The licensee shall also submit the license certificate or a completed, signed, and notarized affidavit that the license certificate was lost, stolen, or destroyed before the request for voluntary termination will be considered by the board

Subp. 3. Approval. The board shall approve a request for voluntary termination if the licensee is not practicing social work in a setting in Minnesota for which licensure is required and all requirements have been met

Subp. 4 Practice prohibited. A person whose license has been terminated under this part shall not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work in Minnesota, except that the person may practice in a setting in which licensure is not required, and shall not use the title social worker, except as permitted by Minnesota Statutes, section 148B 27, or any designation which indicates social work licensure

Subp. 5 License or renewal fee. A licensee who applies for and is approved for voluntary termination of a license before the end of the renewal cycle may not receive a refund for any portion of the license or renewal fee.

Subp. 6 Disciplinary action. The board shall retain jurisdiction over the license and may take disciplinary action against a licensee based on conduct occurring before the voluntary termination of the license

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0250 [Repealed, 23 SR 1382]

8740.0260 SUSPENDED OR REVOKED LICENSE.

A licensee whose license has been suspended or revoked must return the license certificate and the most recent license card to the board within ten days after the effective date of the suspension or revocation. Failure to comply with this part may result in the denial of any subsequent request for reinstatement after suspension or the denial of an application for licensure after revocation. A licensee whose license has been suspended or revoked shall not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work in a setting in Minnesota for which licensure is required, and shall not use the title social worker or any designation which indicates social work licensure.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0270 [Repealed, 23 SR 1382]

8740.0285 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1 Continuing education requirements. At the time of application for license renewal, a licensee shall provide evidence satisfactory to the board that the licensee has completed 30 hours of acceptable continuing education during the licensee's current renewal cycle. If a licensee's renewal cycle is prorated to be less or greater than 24 months, then the required number of hours of acceptable continuing education must be prorated accordingly. The licensee may attend continuing education programs or complete continuing education activities which have been preapproved by the board or other programs or activities that meet the requirements of this part

Subp. 2 [Repealed, 23 SR 1382]

Subp. 3 [Repealed, 23 SR 1382]

Subp. 4 Acceptable content areas.

A Continuing education programs or activities must address at least one of the following content areas:

- (1) theories and concepts of human behavior and the social environment as used in social work practice,
- (2) social work knowledge and skills;
- (3) social work research, program evaluation, or practice evaluation,
- (4) management and administrative skills related to the provision of social work services,
- (5) social policy related to social work practice or services provided to clients, or
- (6) social work ethics

B In determining whether the content of a program or activity is acceptable continuing education, the board may consider the presenter's qualifications and knowledge of social work practice and the intended audience for the program or activity

Subp 5 **Unacceptable content areas.** Programs or activities relating to marketing, business practices, personal development, time management, and procedural issues are not acceptable content areas. Supervision or consultation provided or received does not constitute continuing education.

Subp 6 **Continuing education programs and activities.** Continuing education may be obtained through the following programs or activities, provided the content is in at least one of the areas listed in subpart 4

A Academic course work

- (1) graduate and undergraduate courses which are part of an accredited social work program,
- (2) graduate and undergraduate courses from a university, college, or other institution of higher education accredited by a national or regional accrediting body, and
- (3) up to ten hours of self study, including correspondence work, distance learning, or televised or audiovisual courses.

B Educational workshops or institutes at conferences or association meetings.

C Public or private agency staff training programs

D. Individual activities such as publications of professional articles, course or conference presentations, or research leading to publication or presentation, or independent study. No more than ten hours from this category are acceptable as continuing education for each renewal cycle

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

A "One continuing education hour" means 60 minutes containing a minimum of 50 minutes of uninterrupted learning.

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

C Licensees presenting a continuing education program will be credited with two continuing education hours of research time for every hour of a presentation. Research time may apply only once regardless of the number of times the presentation is made. The actual presentation of the continuing education program will not apply toward the requirement

Subp. 8 **Documentation of continuing education hours.**

A A licensee must report completion of continuing education requirements at the time of application for license renewal or at the time of application for reactivation of a license on inactive status or of an emeritus license by recording the following information in a form specified by the board.

- (1) the title and topic of the program or activity,
- (2) the number of continuing education hours for the program or activity,
- (3) the name of the sponsor of the program or activity, if applicable,
- (4) the date or dates the licensee attended or completed the program or activity, and
- (5) the continuing education number or individual continuing education number, if applicable

B The board may grant a licensee a variance to the continuing education requirements when a licensee demonstrates an inability to complete the required number of acceptable continuing education hours by the expiration date of the license or upon applying for the reactivation of a license on inactive status or of an emeritus license. A variance may allow the licensee additional time, as determined by the board, to complete the required number of acceptable continuing education hours, but it may not allow the licensee to complete less than the required number of acceptable continuing education hours.

C Licensees must maintain the following documentation of their participation in continuing education programs or activities

(1) for academic coursework at an accredited social work program or at another university, college, or other institution of higher education accredited by a national or regional accrediting body, a copy of the transcript demonstrating successful completion,

(2) for workshops, institutes, and public or private agency staff development programs, under subpart 6, items B and C, a copy of a certificate of attendance issued by the presenter or sponsor which states the name, date, and number of hours of the workshop, institute, or program and the name of the licensee, or an affidavit signed by the presenter or sponsor verifying that the licensee attended the workshop, institute, or program and the date and hours of the workshop, institute, or program which the licensee attended;

(3) for individual activities under subpart 6, item D, a copy of the program for the lecture or presentation, a notice of publication of the written material, or other material that may be requested by the board, and

(4) for independent study under subpart 6, item D, a written summary of the study, including the topic studied and the title and author of resources or books used in informal study, a statement as to the applicability of the study to the acceptable content areas in subpart 4; the time spent in informal study; and the time period during which the study was done

D The board may audit a sample of applications for license renewal for compliance with the continuing education requirements of this part. A licensee being audited by the board must provide verification of the required number of acceptable continuing education hours, by submitting the appropriate documentation of the programs or activities reported. Licensees must keep appropriate documentation of the programs or activities reported for one year following the expiration date of a license.

Subp 9 [Repealed, 23 SR 1382]

Subp 10 Sponsor request for preapproval of continuing education programs.

A A person or entity sponsoring a continuing education program may request the board to decide in advance of the program whether the program constitutes acceptable continuing education by submitting the following information

(1) a statement of the objectives and goals of the program, 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 or methods to be used, and

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

B. The request for approval of a program must be submitted to the board at least 45 days before the date of the program with the appropriate fee. The board's approval of a program is valid for one year from the date of approval provided there is no substantive change in the program. Sponsors of approved programs shall retain a list of participants for three years following the date of the program

C The board shall issue a decision on the request for approval in advance of the date of the program. A sponsor of a program may not advertise that the program has been approved by the board until receipt of the board's written decision. The board's decision is not subject to judicial or administrative review

D The board may revoke or suspend approval of a program, or refuse to approve a program upon reapplication, if the board finds that the program fails to conform in any man-

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ner to the materials submitted by the sponsor in its request for approval. The board's decision is not subject to judicial or administrative review.

Subp. 11 [Repealed, 23 SR 1382]

Subp. 12 [Repealed, 23 SR 1382]

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0290 FEES.

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

A. Application fee, \$30

B. Criminal background check fee, as determined by the Bureau of Criminal Apprehension.

C. License fee, payable in addition to application fee

(1) licensed social worker, \$80;

(2) licensed graduate social worker, \$140,

(3) licensed independent social worker, \$210,

(4) licensed independent clinical social worker, \$230

D. License renewal fee

(1) licensed social worker, \$80;

(2) licensed graduate social worker, \$140,

(3) licensed independent social worker, \$210,

(4) licensed independent clinical social worker, \$230

E. Emeritus license fee, \$30.

F. Duplicate license certificate, \$15.

G. Inactive status fee

(1) licensed social worker, \$80,

(2) licensed graduate social worker, \$140,

(3) licensed independent social worker, \$210,

(4) licensed independent clinical social worker, \$230

H. Application fee for continuing education program sponsor:

(1) for one to four continuing education hours applied for, \$30;

(2) for five to eight continuing education hours applied for, \$45;

(3) for nine to 16 continuing education hours applied for, \$60,

(4) for 17 to 24 continuing education hours applied for, \$75;

(5) for more than 24 hours applied for, \$100.

I. Duplicate license card, \$5

J. Written licensure verification requested by the licensee for other jurisdictions,
\$10

K. Late fee, one-third of the applicable license renewal fee or inactive status fee.

L. Nonsufficient funds check, \$20

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0300 STANDARDS OF PRACTICE AND ETHICAL CONDUCT.

Subpart 1. **Standards of practice and ethical conduct.** The standards of practice in parts 8740.0310 to 8740.0345 apply to all applicants and licensees.

Subp. 2. **Social worker.** The use of the term social worker in parts 8740.0310 to 8740.0345 includes all applicants and licensees.

Subp. 3. [Repealed, 23 SR 1382]

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0310 GENERAL REQUIREMENTS.

Subpart 1. **Responsibility to clients.** A social worker's primary professional responsibility is to the client. A social worker shall always act to protect or preserve the client's interests, including the interest in self-determination, when making decisions that affect a client.

Subp 2. **Nondiscrimination.** A social worker shall not discriminate against a client, student, supervisee, or social work intern on the basis of age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation, or social or economic status. If the social worker is unable to offer services because of potential discrimination against a client, student, supervisee, or social work intern, the social worker shall make an appropriate and timely referral. When a referral is not practical, the social worker shall obtain supervision or consultation to address the potential discrimination.

Subp 2a **Information for clients.** A social worker shall display at the social worker's primary place of practice, or make available as a handout for all clients, information that the client has the right to the following:

A to be informed of the social worker's license status, education, training, and experience,

B to examine public data on the social worker maintained by the board, and

C to report a complaint about the social worker's practice to the board, and to be informed of the board's address and telephone number.

Subp. 3 [Repealed, 23 SR 1382]

Subp 4 [Repealed, 23 SR 1382]

Subp 5 [Repealed, 23 SR 1382]

Subp 6. [Repealed, 23 SR 1382]

Subp 7. [Repealed, 23 SR 1382]

Statutory Authority: *MS s 148B.20*

History: *23 SR 1382*

8740.0315 COMPETENCE.

Subpart 1 **Continued competence.** A social worker shall take any appropriate and reasonable steps to ensure continued competence in the practice of social work.

Subp 2 **Limits on practice.** A social worker shall limit practice to the permissible scope of practice for the social worker's license and competence.

Subp 3 **Supervision or consultation.** A social worker shall obtain supervision or engage in consultation when appropriate or necessary.

Subp 4 **Referrals.** A social worker shall make a referral to other professionals when the services required are beyond the social worker's competence.

Subp 5. **Delegation and assignment.** A social worker shall not delegate a responsibility or assign a task to another individual when the social worker knows or reasonably should know that the other individual is not licensed or competent to assume the responsibility or to perform the task.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0320 PRACTICE REQUIREMENTS.

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

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

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

Subp 4. Informed consent.

A A social worker shall obtain valid, informed consent, appropriate to the circumstances, before providing services to clients. When obtaining informed consent, the social worker must determine whether the client has the capacity to provide informed consent. If the client does not have the capacity to provide consent, the social worker shall obtain consent for the services from the client's legal representative. The social worker shall not provide services, unless authorized or required by law, if the client or the client's legal representative does not consent to the services. The social worker shall provide appropriate referrals upon request.

B If a social worker determines that a client does not have the capacity to provide consent, and the client does not have a legal representative, the social worker may provide services, except as prohibited by other law, that are necessary to ensure the client's safety or to preserve the client's property or financial resources. The social worker shall secure a legal representative for the client before providing other services.

C A social worker shall use clear and understandable language, including using the client's primary language as necessary, to inform clients of the plan of services, risks related to the plan, limits to services, relevant costs, reasonable alternatives, the client's right to refuse or withdraw consent, and the time frame covered by the consent.

Subp 5 Records. A social worker shall make and maintain current and accurate records, appropriate to the circumstances, of all services provided to a client. At a minimum, the records shall contain documentation of

- A the assessment or diagnosis and of the plan,
- B progress with the plan and of any revisions of the assessment, diagnosis, or plan,
- C any fees charged and related billing information,
- D copies of all client authorizations for release of information, and
- E other information necessary to provide appropriate services.

These records shall be maintained by the social worker or by the social worker's agency for at least seven years after the last date of service, or for the time period required by law.

Subp 6. Reports. A social worker shall submit current, accurate, and complete reports or other required documentation.

Subp 7 Termination of services. A social worker shall terminate a professional relationship with a client when the social worker reasonably determines that the client is not likely to benefit from continued services or the services are no longer needed, unless required by law to provide services. The social worker who anticipates terminating services shall give reasonable notice to the client. The social worker shall take reasonable steps to inform the client of the termination of the professional relationship. The social worker shall provide appropriate referrals as needed or upon request of the client.

Subp 8. Research. When undertaking research activities, the social worker shall adhere to accepted protocols for the protection of human subjects, including establishing appropriate safeguards to protect the subjects' vulnerability and to obtain the subjects' informed consent.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0325 RELATIONSHIPS WITH CLIENTS; FORMER CLIENTS; STUDENTS; SOCIAL WORK INTERNS; AND SUPERVISEES.

Subpart 1 Maintaining professional boundaries. A social worker shall maintain appropriate professional boundaries with a client. A social worker shall not engage in practices with a client that create an unacceptable risk of client harm or of impairing a social worker's objectivity or professional judgment. A social worker shall not act or fail to act in a way that, as judged by a reasonable social worker, inappropriately encourages the client to relate to the social worker outside of the boundaries of the professional relationship, or in a way that interferes with the client's ability to benefit from social work services.

Subp 2. Misuse of professional relationship. A social worker shall not use the professional relationship with a client, student, supervisee, or social work intern for or to further the

social worker's personal, emotional, financial, sexual, religious, political, or business benefit or interests

Subp 3 **Improper termination.** A social worker shall not terminate a professional relationship for the purpose of beginning a personal, sexual, or business relationship with a client.

Subp 4. **Personal relationship with a client.** A social worker shall not engage in a personal relationship with a client that creates an unacceptable risk of client harm or of impairing a social worker's objectivity and professional judgment. When a social worker is unable to avoid a personal relationship with a client, the social worker shall take appropriate precautions, such as consultation and supervision, to address the potential for unacceptable risk.

Subp 5. **Personal relationship with a former client.** A social worker may engage in a personal relationship with a former client after appropriate termination of the professional relationship, except

A as prohibited by subpart 8, or

B if a reasonable social worker would conclude after appropriate assessment that the former client continues to be emotionally dependent on the social worker or continues to relate to the social worker as a client

Subp 6. **Sexual conduct.** "Sexual conduct" includes any physical contact or act or any verbal, written, interactive, or electronic conduct, act, or communication that a client, former client, student, supervisee, or social work intern may reasonably interpret as sexual

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

Subp 8 **Sexual conduct with a former client.** A social worker who has engaged either in counseling or in the diagnosis or treatment of mental and emotional disorders with individuals, couples, families, or treatment groups shall not engage in or suggest sexual conduct with the former client under any circumstances. A social worker who has provided other social work services to a client shall not engage in or suggest sexual conduct with the former client if a reasonable social worker would conclude after appropriate assessment that engaging in sexual conduct with the former client would create an unacceptable risk of harm to the former client.

Subp 9 **Business relationship with a client.** A social worker shall not engage in a business relationship with a client. Business relationships do not include purchases made by the social worker from the client when the client is providing necessary goods or services to the general public, and a reasonable social worker would determine that it is not possible to obtain the necessary goods or services from another provider

Subp 10. **Business relationship with a former client.** A social worker may engage in a business relationship with a former client after appropriate termination of the professional relationship, except that the social worker shall not engage in a business relationship with a former client if a reasonable social worker would conclude after appropriate assessment that the former client continues to be emotionally dependent on the social worker or continues to relate to the social worker as a client

Subp 11. **Previous sexual, personal, or business relationship.** A social worker may not engage in a social worker/client relationship with an individual with whom the social worker had a previous sexual relationship. A social worker may not engage in a social worker/client professional relationship with an individual with whom the social worker had a previous personal or business relationship if a reasonable social worker would conclude after appropriate assessment that the previous relationship creates an unacceptable risk of client harm or that the social worker's objectivity or professional judgment may be impaired.

Subp 12. **Social worker responsibility.** A social worker shall be solely responsible for acting appropriately in relationships with clients or former clients. A client or a former client's initiation of or attempt or request to engage in a personal, sexual, or business relationship shall not be a defense to a violation of this part

Subp. 13 **Client's family or significant other.** This part also applies to a social worker's relationship with a family member or significant other of a client when a reasonable so-

cial worker would conclude after appropriate assessment that a relationship with a family member or significant other would create an unacceptable risk of harm to the client

Subp 14 **Sexual conduct with a student, supervisee, or social work intern.** A social worker shall not engage in or suggest sexual conduct with a student while the social worker has authority over any part of the student's academic program. A social worker practicing social work as a supervisor, as defined by these rules, shall not engage in or suggest sexual conduct with the social worker's supervisee, as defined by these rules, during the period of supervision. A social worker supervising a social work intern as part of the intern's academic program shall not engage in or suggest sexual conduct with the intern during the course of the internship

Subp 15 **Sexual harassment.** A social worker shall not engage in any physical, verbal, written, interactive, or electronic behavior that a client, former client, student, supervisee, or social work intern may reasonably interpret as sexually harassing or sexually demeaning.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0330 CLIENT CONFIDENTIALITY.

Subpart 1 General.

A. A social worker shall ensure the confidentiality of all information provided by or obtained about a client. "Client information" includes the social worker's personal or other knowledge of the client and client records. Except as provided in this part, client information may be disclosed or released only with the client's or the client's legal representative's valid, informed consent, appropriate to the circumstances. A social worker shall seek consent to disclose or release client information only when such disclosure or release is necessary to provide services

B. Client records may be released only with the client's or the client's legal representative's written informed consent, the written informed consent must explain to whom the client records may be released and the purpose for the release. The written informed consent must also state an expiration date for the authorized release of client records

C. Other client information may be disclosed or released only with the client's or the client's legal representative's written informed consent, except that a social worker may disclose or release other client information with the client's or the client's legal representative's verbal informed consent during the course of providing services, when it is not practical to obtain written informed consent before providing necessary services. The social worker shall document the disclosure or release of client information pursuant to verbal consent

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

Subp 2. **Release of information without written consent.** A social worker shall disclose client information, including client records, without the written consent of the client or the client's legal representative only under the circumstances described in items A to C.

A. When mandated or authorized by federal or state law, including the mandatory reporting requirements under the maltreatment of minors and vulnerable adult laws

B. When the client communicates to the social worker a specific, serious threat of physical violence against a clearly identified or identifiable potential victim, or against the client's self or against society in general. In fulfilling this duty to warn, the social worker may release only the information that is necessary to avoid the infliction of physical violence. The social worker shall release this information to law enforcement and other appropriate authorities and to the potential victim or, as appropriate, to the victim's legal representative

C. When the board issues a subpoena to the social worker.

Subp 3 **Release of information under court order.** A social worker may release client information, including client records, when a court of competent jurisdiction orders release of the client information or records

Subp. 4 **Limits of confidentiality.** The social worker shall inform the client of the limits of confidentiality under other applicable standards or law, both at the beginning of a professional relationship and during the professional relationship as necessary and appropriate.

Subp. 5 **Third-party billing.** A social worker shall provide client information to a third party for the purpose of payment for services rendered only with the client's written informed consent.

Subp. 6. **Client information to remain confidential.** A social worker shall continue to maintain confidentiality of client information upon termination of the professional relationship including upon the death of the client, except as provided under this part or other applicable law.

Subp. 7 **Limited access to client information.** A social worker shall limit access to client information in a social worker's agency to appropriate agency staff whose duties require access.

Subp. 8 **Photographs and audio or video recordings.** Unless otherwise authorized by law to do so in the social worker's professional capacity, a social worker shall obtain a client's written informed consent before taking a photograph of the client or before making an audio or video recording of the client, or allowing a third party to do the same. If the photograph or recording is to be published, distributed, or used in any way outside of the professional relationship with the client, the written informed consent must explain to the client the purpose of the photograph or the recording and how the photograph or recording will be used, how it will be stored, and when it will be destroyed. The written informed consent must also explain to the client how the client may have access to the photograph or recording.

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0335 PERSONAL CONDUCT.

Subpart 1. **Giving alcohol or other drugs to client.** Unless permitted by law, a social worker shall not offer medication or controlled substances to a client, or accept these substances from a client for personal use or gain. If permitted by law, the social worker may accept medication or controlled substances from a client for purposes of disposal or to monitor use. A social worker shall not offer alcoholic beverages to a client or accept such from a client.

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

Statutory Authority: *MS s 148B 20*

History: 23 SR 1382

8740.0340 REPRESENTATION TO PUBLIC; ADVERTISING.

Subpart 1. **Required use of license designation.** A social worker shall use the license designation of LSW for licensed social worker, LGSW for licensed graduate social worker, LISW for licensed independent social worker, or LICSW for licensed independent clinical social worker, after the social worker's name in all written communications related to social work practice, including any advertising, correspondence, and entries to client records.

Subp. 2. **Information to clients or potential clients.** A social worker shall provide accurate and factual information concerning the social worker's credentials, education, training, and experience upon request from a client or potential client. A social worker shall not misrepresent directly or by implication the social worker's license level, degree, professional certifications, affiliations, or other professional qualifications in any oral or written communication or permit or continue to permit any misrepresentations by others. A social worker shall not misrepresent, directly or by implication, affiliations, purposes, and characteristics of institutions and organizations with which the social worker is or has been associated.

Subp. 3 **Representation.** Licensure status must not be used as a claim, promise, or guarantee of successful service. Public statements or advertisements may not be untruthful, misleading, or potentially exploitative of clients or former clients.

Subp 4 **Display of license.** A social worker shall conspicuously display a current license issued by the board at the social worker's places of practice or office locations

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*

8740.0345 FEES AND BILLING PRACTICES.

Subpart 1 Fees and payments.

A A social worker shall ensure that a client or a client's legal representative is informed of all fees at the initial session or meeting with the client, and that payment for services is arranged with the client or the client's legal representative at the beginning of the professional relationship. A social worker shall provide in a timely manner, upon request from a client or a client's legal representative, a written payment arrangement or a written explanation of the charges for any services rendered.

B When providing services, as authorized by law, to a client who does not have the capacity to provide consent and who does not have a legal representative, the social worker may submit reasonable bills to an appropriate payor for services provided

Subp 2 **Necessary or appropriate services.** A social worker shall bill only for services which have been provided except that, with prior notice to the client, a social worker may bill for failed appointments or for cancellations without sufficient notice. A social worker shall provide only services which are necessary and appropriate

Subp 3 **Bartering.** A social worker may accept only monetary payments for social work services provided. A social worker may not accept goods or services in exchange for the social work services provided.

Subp 4 **No payment for referrals.** A social worker shall neither accept nor give a commission, rebate, fee split, or other form of remuneration solely or primarily for the referral of a client.

Statutory Authority: *MS s 148B 20*

History: *23 SR 1382*