

## CHAPTER 148B

SOCIAL WORK, MARRIAGE AND FAMILY THERAPY,  
AND MENTAL HEALTH

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**148B.23 LICENSES; TRANSITION PERIOD.**

Subdivision 1. **Exemption from examination.** (a) For 12 months from July 1, 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):

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

(2) for a licensed graduate social worker license, the applicant must have received a master's degree from an accredited program of social work or a master's or doctoral degree 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, the applicant must have received a master's degree from an accredited program of social work or a master's or doctoral degree 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, the applicant must have received a master's degree from an accredited program of social work or a master's or doctoral degree 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.

*[For text of subd 1a, see M.S.1994]*

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.

*[For text of subd 3, see M.S.1994]*

**History:** 1995 c 63 s 2,3

**NOTE:** Subdivision 1a is repealed by Laws 1995, chapter 63, section 9, effective July 1, 1996.

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

*[For text of subd 1, see M.S.1994]*

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.

*[For text of subd 2a, see M.S.1994]*

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.

*[For text of subd 3, see M.S.1994]*

**History:** 1995 c 63 s 4,5

**148B.32 PROHIBITIONS AND PENALTY.**

Subdivision 1. **Unlicensed practice prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall engage in marriage and family therapy practice unless that individual holds a valid license issued under sections 148B.29 to 148B.39.

Marriage and family therapists may not be reimbursed under medical assistance, chapter 256B, except to the extent such care is reimbursed under section 256B.0625, subdivision 5, or when marriage and family therapists are employed by a managed care organization with a contract to provide mental health care to medical assistance enrollees, and are reimbursed through the managed care organization.

*[For text of subds 2 and 3, see M.S.1994]*

**History:** 1995 c 234 art 8 s 46

**148B.60 DEFINITIONS.**

*[For text of subds 1 and 2, see M.S.1994]*

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 or registered by the board of medical practice under chapter 147A; 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) 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;

(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

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

*[For text of subds 4 to 8, see M.S.1994]*

**History:** 1995 c 63 s 6; 1995 c 205 art 2 s 4

#### **148B.61 OFFICE OF MENTAL HEALTH PRACTICE.**

*[For text of subds 1 and 2, see M.S.1994]*

Subd. 3. [Deleted, 1995 c 233 art 2 s 56]

**148B.62** [Repealed, 1995 c 164 s 35]

#### **148B.66 PROFESSIONAL COOPERATION.**

Subdivision 1. **Cooperation.** An unlicensed mental health practitioner who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the office of mental health practice shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the office relating to the subject of the investigation, whether tape recorded or not, and providing copies of client records, as reasonably requested by the office, to assist the office in its investigation, and appearing at conferences or hearings scheduled by the commissioner. If the office does not have a written consent from a client permitting access to the client's records, the unlicensed mental health practitioner shall delete any data in the record that identifies the client before providing it to the office. The office shall maintain any records obtained pursuant to this section as investigative data pursuant to section 13.41. If an unlicensed mental health practitioner refuses to give testimony or produce any documents, books, records, or correspondence on the basis of the fifth amendment to the Constitution of the United States, the commissioner may compel the unlicensed mental health practitioner to provide the testimony or information; however, the testimony or evidence may not be used against the practitioner in any criminal proceeding. Challenges to requests of the office may be brought before the appropriate agency or court.

*[For text of subd 2, see M.S.1994]*

**History:** 1995 c 164 s 1

#### **148B.68 PROHIBITED CONDUCT.**

Subdivision 1. **Prohibited conduct.** The commissioner may impose disciplinary action as described in section 148B.69 against any unlicensed mental health practitioner. The following conduct is prohibited and is grounds for disciplinary action:

(a) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to the provision of mental health services. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(b) Conviction of crimes against persons. For purposes of this chapter, a crime against a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3.

(c) Failure to comply with the self-reporting requirements of section 148B.63, subdivision 7.

(d) Engaging in sexual contact with a client or former client as defined in section 148A.01, or engaging in contact that may be reasonably interpreted by a client as sexual, or engaging in any verbal behavior that is seductive or sexually demeaning to the patient, or engaging in sexual exploitation of a client or former client.

(e) Advertising that is false, fraudulent, deceptive, or misleading.

(f) Conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a client; or any other practice that may create unnecessary danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(g) Adjudication as mentally incompetent, or as a person who is dangerous to self, or adjudication pursuant to chapter 253B, as chemically dependent, mentally ill, mentally retarded, mentally ill and dangerous to the public, or as a sexual psychopathic personality or sexually dangerous person.

(h) Inability to provide mental health services with reasonable safety to clients.

(i) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

(j) Improper or unauthorized personal or other use of any legend drugs as defined in chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined in chapter 152.

(k) Revealing a communication from, or relating to, a client except when otherwise required or permitted by law.

(l) Failure to comply with a client's request made under section 144.335, or to furnish a client record or report required by law.

(m) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the client.

(n) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(o) Failure to make reports as required by section 148B.63, or cooperate with an investigation of the office.

(p) Obtaining money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.

(q) Undertaking or continuing a professional relationship with a client in which the objectivity of the professional would be impaired.

(r) Failure to provide the client with a copy of the client bill of rights or violation of any provision of the client bill of rights.

(s) Violating any order issued by the commissioner.

(t) Failure to comply with sections 148B.60 to 148B.71, and the rules adopted under those sections.

(u) Failure to comply with any additional disciplinary grounds established by the commissioner by rule.

(v) Revocation, suspension, restriction, limitation, or other disciplinary action against the mental health practitioner's license, certificate, registration, or right of practice in this or another state or jurisdiction, for offenses that would be subject to disciplinary action in this state, or failure to report to the office of mental health practice that charges regarding the practitioner's license, certificate, registration, or right of practice have been brought in this or another state or jurisdiction.

*[For text of subs 2 and 3, see M.S.1994]*

**History:** 1995 c 164 s 2; 1995 c 229 art 4 s 9; 1995 c 259 art 3 s 1