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SF 2939

1st Engrossment - 91st Legislature (2019 - 2020) Posted on 05/16/2020 07:45am

KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

Version List Authors and Status

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Current Version - 1st Engrossment

A bill for an act

relating to health occupations; removing an unnecessary criminal background fee for certain health boards; modifying occupational therapy provisions; modifying provisions for social work practice; modifying licensing requirements for dentists; permitting payment of certain retirement annuities during employment for peacetime emergency; amending Minnesota Statutes 2018, sections 147.038, subdivision 1; 147.039; 147.091, subdivision 8; 148.6402, subdivisions 5, 21; 148.6403, subdivisions 1, 5, 6; 148.6404; 148.6405; 148.6412, subdivision 2; 148.6415; 148.6418, subdivisions 4, 5; 148.6420, subdivisions 4, 5; 148.6423; 148.6425, subdivision 2; 148.6428; 148.6430; 148.6432, subdivision 3; 148.6435; 148.6443, as amended; 148.6445, subdivision 11; 148.6448, subdivision 2; 148.6449, subdivision 2; 148E.010, subdivisions 9, 11, 16, 17, 18, 19, by adding subdivisions; 148E.015; 148E.025, subdivision 2; 148E.055, subdivisions 1, 2, 3, 4, 5, 6, 9, 10, 11, by adding subdivisions; 148E.060, subdivisions 1, 2, 2a; 148E.070, subdivisions 2, 3, 5; 148E.080; 148E.085; 148E.095, subdivision 1; 148E.130, subdivision 1, by adding subdivisions; 148E.145; 150A.06, subdivision 6; Minnesota Statutes 2019 Supplement, sections 147.01, subdivision 7; 147A.28; 147B.08, subdivision 4; 147C.40, subdivision 5; 147D.27, subdivision 5; 147F.17, subdivision 1; 148.6420, subdivision 1; 148.6448, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 148E; repealing Minnesota Statutes 2018, sections 148.6402, subdivisions 10, 15; 148.6412, subdivision 1; 148E.045; 148E.055, subdivisions 7, 8; 148E.060, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13; 148E.075, subdivisions 1, 1a, 1b, 2, 3, 8; 148E.095, subdivision 2; 148E.130, subdivisions 2, 3, 4, 5, 6, 7; 148E.135; 148E.140; 148E.150; 148E.155; 148E.160; 148E.165; 148E.170; Minnesota Rules, part 4664.0003, subpart 28.

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

ARTICLE 1
BOARD OF MEDICAL PRACTICE

Section 1. Minnesota Statutes 2019 Supplement, section 147.01, subdivision 7, is amended to read:

Subd. 7. **Physician application and license fees.** (a) The board may charge the following nonrefundable application and license fees processed pursuant to sections 147.02, 147.03, 147.037, 147.0375, and 147.38:

(1) physician application fee, $200;
(2) physician annual registration renewal fee, $192;
(3) physician endorsement to other states, $40;
(4) physician emeritus license, $50;
(5) physician temporary license, $60;
(6) physician late fee, $60;
(7) duplicate license fee, $20;
(8) certification letter fee, $25;
(9) education or training program approval fee, $100;
(10) report creation and generation fee, $60 per hour;
(11) examination administration fee (half day), $50;
(12) examination administration fee (full day), $80;

(13) fees developed by the Interstate Commission for determining physician qualification to register and participate in the interstate medical licensure compact, as established in rules authorized in and pursuant to section 147.38, not to exceed $1,000; and

(14) verification fee, $25~~; and~~.

~~(15) criminal background check fee, $32.~~

(b) The board may prorate the initial annual license fee. All licensees are required to pay the full fee upon license renewal. The revenue generated from the fee must be deposited in an account in the state government special revenue fund.

Sec. 2. Minnesota Statutes 2018, section 147.038, subdivision 1, is amended to read:

Subdivision 1. **Board approval; reporting.** A person holding ~~an active~~ a license to practice medicine in the state may, upon approval of the board, be granted license cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the person. Such action by the board ~~shall~~ must be reported as a cancellation of a license in good standing.

Sec. 3. Minnesota Statutes 2018, section 147.039, is amended to read:

147.039 CANCELLATION OF LICENSE FOR NONRENEWAL.

The Board of Medical Practice shall not renew, reissue, reinstate, or restore a license that has lapsed ~~on or after January 1, 1989,~~ and is not subject to a pending review, investigation, or disciplinary action, and has not been renewed within two annual license renewal cycles ~~starting July 1, 1991~~. A licensee whose license is canceled for nonrenewal must obtain a new license by applying for licensure and fulfilling all requirements then in existence for an initial license to practice medicine in Minnesota.

Sec. 4. Minnesota Statutes 2018, section 147.091, subdivision 8, is amended to read:

Subd. 8. **Limitation.** ~~No~~ A board ~~proceeding against~~ review or investigation of a regulated person ~~shall~~ must not be ~~instituted~~ initiated unless ~~commenced~~ the board has received a complaint or report within seven years from the date of the commission of some portion of the ~~offense or misconduct~~ conduct complained of or reported on except for alleged violations of subdivision 1, paragraph (t).

Sec. 5. Minnesota Statutes 2019 Supplement, section 147A.28, is amended to read:

147A.28 PHYSICIAN ASSISTANT APPLICATION AND LICENSE FEES.

(a) The board may charge the following nonrefundable fees:

(1) physician assistant application fee, $120;

(2) physician assistant annual registration renewal fee (prescribing authority), $135;

(3) physician assistant annual registration renewal fee (no prescribing authority), $115;

(4) physician assistant temporary registration, $115;

(5) physician assistant temporary permit, $60;

(6) physician assistant locum tenens permit, $25;

(7) physician assistant late fee, $50;

(8) duplicate license fee, $20;

(9) certification letter fee, $25;

(10) education or training program approval fee, $100;

(11) report creation and generation fee, $60 per hour; and

(12) verification fee, $25~~; and~~.

~~(13) criminal background check fee, $32.~~

(b) The board may prorate the initial annual license fee. All licensees are required to pay the full fee upon license renewal. The revenue generated from the fees must be deposited in an account in the state government special revenue fund.

Sec. 6. Minnesota Statutes 2019 Supplement, section 147B.08, subdivision 4, is amended to read:

Subd. 4. **Acupuncturist application and license fees.** (a) The board may charge the following nonrefundable fees:

(1) acupuncturist application fee, $150;

(2) acupuncturist annual registration renewal fee, $150;

(3) acupuncturist temporary registration fee, $60;

(4) acupuncturist inactive status fee, $50;

(5) acupuncturist late fee, $50;

(6) duplicate license fee, $20;

(7) certification letter fee, $25;

(8) education or training program approval fee, $100;

(9) report creation and generation fee, $60 per hour; and

(10) verification fee, $25~~; and~~.

~~(11) criminal background check fee, $32.~~

(b) The board may prorate the initial annual license fee. All licensees are required to pay the full fee upon license renewal. The revenue generated from the fees must be deposited in an account in the state government special revenue fund.

Sec. 7. Minnesota Statutes 2019 Supplement, section 147C.40, subdivision 5, is amended to read:

Subd. 5. **Respiratory therapist application and license fees.** (a) The board may charge the following nonrefundable fees:

(1) respiratory therapist application fee, $100;

(2) respiratory therapist annual registration renewal fee, $90;

(3) respiratory therapist inactive status fee, $50;

(4) respiratory therapist temporary registration fee, $90;

(5) respiratory therapist temporary permit, $60;

(6) respiratory therapist late fee, $50;

(7) duplicate license fee, $20;

(8) certification letter fee, $25;

(9) education or training program approval fee, $100;

(10) report creation and generation fee, $60 per hour; and

(11) verification fee, $25~~; and~~.

~~(12) criminal background check fee, $32.~~

(b) The board may prorate the initial annual license fee. All licensees are required to pay the full fee upon license renewal. The revenue generated from the fees must be deposited in an account in the state government special revenue fund.

Sec. 8. Minnesota Statutes 2019 Supplement, section 147D.27, subdivision 5, is amended to read:

Subd. 5. **Additional fees.** The board may also charge the following nonrefundable fees:

(1) verification fee, $25;

(2) certification letter fee, $25;

(3) education or training program approval fee, $100;

(4) report creation and generation fee, $60 per hour; and

(5) duplicate license fee, $20~~; and~~.

~~(6) criminal background check fee, $32.~~

Sec. 9. Minnesota Statutes 2019 Supplement, section 147F.17, subdivision 1, is amended to read:

Subdivision 1. **Fees.** (a) Fees are as follows:

(1) license application fee, $200;

(2) initial licensure and annual renewal, $150;

(3) late fee, $75;

(4) genetic counselor certification fee, $25;

(5) temporary license fee, $60;

(6) duplicate license fee, $20;

(7) certification letter fee, $25;

(8) education or training program approval fee, $100; and

(9) report creation and generation fee, $60 per hour billed in quarter-hour increments with a quarter-hour minimum~~; and~~.

~~(10) criminal background check fee, $32.~~

(b) The revenue generated from the fees must be deposited in an account in the state government special revenue fund.

ARTICLE 2
BOARD OF OCCUPATIONAL THERAPY PRACTICE

Section 1. Minnesota Statutes 2018, section 148.6402, subdivision 5, is amended to read:

Subd. 5. **Contact hour.** "Contact hour" means an instructional session of 60 ~~consecutive~~ minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Sec. 2. Minnesota Statutes 2018, section 148.6402, subdivision 21, is amended to read:

Subd. 21. **Licensure by equivalency.** "Licensure by equivalency" means a method of licensure described in section 148.6412 by which an individual who possesses a current credential from the National Board for Certification in Occupational Therapy may qualify for licensure.

Sec. 3. Minnesota Statutes 2018, section 148.6403, subdivision 1, is amended to read:

Subdivision 1. **Unlicensed practice prohibited.** ~~No~~ A person ~~shall~~ must not engage in the practice of occupational therapy unless the person is licensed as an ~~occupational therapist or an~~ occupational ~~therapist assistant~~ therapy practitioner in accordance with sections 148.6401 to 148.6449.

Sec. 4. Minnesota Statutes 2018, section 148.6403, subdivision 5, is amended to read:

Subd. 5. **Exempt persons.** This section does not apply to:

(1) a person employed as an ~~occupational therapist or~~ occupational therapy ~~assistant~~ practitioner by the government of the United States or any agency of it. However, use of the protected titles under those circumstances is allowed only in connection with performance of official duties for the federal government;

(2) a student participating in supervised fieldwork or supervised coursework that is necessary to meet the requirements of section 148.6408, subdivision 1, or 148.6410, subdivision 1, if the person is designated by a title which clearly indicates the person's status as a student trainee. Any use of the protected titles under these circumstances is allowed only while the person is performing the duties of the supervised fieldwork or supervised coursework; or

(3) a person visiting and then leaving the state and performing occupational therapy services while in the state, if the services are performed no more than 30 days in a calendar year as part of a professional activity that is limited in scope and duration and is in association with an occupational therapist licensed under sections 148.6401 to 148.6449, and

(i) the person is credentialed under the law of another state which has credentialing requirements at least as stringent as the requirements of sections 148.6401 to 148.6449; or

(ii) the person meets the requirements for certification as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA), established by the National Board for Certification in Occupational Therapy.

Sec. 5. Minnesota Statutes 2018, section 148.6403, subdivision 6, is amended to read:

Subd. 6. **Sanctions.** A person who practices occupational therapy or holds out as an ~~occupational therapist or~~ occupational therapy ~~assistant~~ practitioner by or through the use of any title described in subdivision 2 without prior licensure according to sections 148.6401 to 148.6449 is subject to sanctions or action against continuing the activity according to section 148.6448, chapter 214, or other statutory authority.

Sec. 6. Minnesota Statutes 2018, section 148.6404, is amended to read:

148.6404 SCOPE OF PRACTICE.

(a) The practice of occupational therapy ~~by an occupational therapist or occupational therapy assistant includes, but is not limited to, intervention directed toward~~ means the therapeutic use of everyday activities with individuals or groups for the purpose of enhancing or enabling participation. It is the promotion of health and well-being through the use of occupational therapy services that includes screening, evaluation, intervention, and consultation to develop, recover, and maintain a client's:

~~(1) assessment and evaluation, including the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements, to identify areas for occupational therapy services;~~

~~(2) providing for the development of~~ (1) sensory integrative, neuromuscular, ~~or~~ motor, emotional, motivational, cognitive, or psychosocial components of performance;

~~(3) providing for the development of emotional, motivational, cognitive, or psychosocial components of performance;~~

~~(4) developing~~ (2) daily living skills;

~~(5) developing~~ (3) feeding and swallowing skills;

~~(6) developing~~ (4) play ~~skills~~ and leisure ~~capacities~~ skills;

~~(7) enhancing~~ (5) educational ~~performance~~ participation skills;

~~(8) enhancing~~ (6) functional performance and work ~~readiness through exercise, range of motion, and use of ergonomic principles~~ participation skills;

(7) community mobility; and

(8) health and wellness.

Occupational therapy services include but are not limited to:

~~(9)~~ (1) designing, fabricating, or applying rehabilitative technology, such as selected orthotic and prosthetic devices, and providing training in the functional use of these devices;

~~(10)~~ (2) designing, fabricating, or adapting assistive technology and providing training in the functional use of assistive devices;

~~(11)~~ (3) adapting environments using assistive technology such as environmental controls, wheelchair modifications, and positioning; and

~~(12)~~ (4) employing physical agent modalities~~,~~ in preparation for or as an adjunct to purposeful activity~~, within the same treatment session or~~ to meet established functional occupational therapy goals~~; and~~.

~~(13) promoting health and wellness.~~

(b) Occupational therapy services must be based on nationally established standards of practice.

Sec. 7. Minnesota Statutes 2018, section 148.6405, is amended to read:

148.6405 LICENSURE APPLICATION REQUIREMENTS: PROCEDURES AND QUALIFICATIONS.

(a) An applicant for licensure must comply with the application requirements in section 148.6420. To qualify for licensure, an applicant must satisfy one of the requirements in paragraphs (b) to (f) and not be subject to denial of licensure under section 148.6448.

(b) A person who applies for licensure as an occupational therapist and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in section 148.6408.

(c) A person who applies for licensure as an occupational therapy assistant and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in section 148.6410.

(d) A person who is certified by the National Board for Certification in Occupational Therapy may apply for licensure by equivalency and must meet the requirements in section 148.6412.

(e) A person who is credentialed in another jurisdiction and who was previously certified by the National Board for Certification in Occupational Therapy may apply for licensure by reciprocity and must meet the requirements in section 148.6415.

(f) A person who applies for temporary licensure must meet the requirements in section 148.6418.

(g) A person who applies for licensure under paragraph (b), (c), or (f) more than two and less than four years after meeting the examination requirements in section 148.6408, subdivision 2, or 148.6410, subdivision 2, must submit the following:

(1) a completed and signed application for licensure on forms provided by the board;

(2) the license application fee required under section 148.6445;

(3) if applying for occupational therapist licensure, proof of having met a minimum of 24 contact hours of continuing education in the two years preceding licensure application, or if applying for occupational therapy assistant licensure, proof of having met a minimum of 18 contact hours of continuing education in the two years preceding licensure application;

(4) verified documentation of successful completion of 160 hours of supervised practice approved by the board under a limited license specified in section 148.6425, subdivision 3, paragraph (c); and

(5) additional information as requested by the board to clarify information in the application, including information to determine whether the individual has engaged in conduct warranting disciplinary action under section 148.6448. The information must be submitted within 30 calendar days ~~after~~ from the date of the board's request.

(h) A person who ~~applied~~ applies for licensure under paragraph (b), (c), or (f) four years or more after meeting the examination requirements in section 148.6408, subdivision 2, or 148.6410, subdivision 2, must:

(1) meet all the requirements in paragraph (g) except clauses (3) and (4)~~.~~;

(2) submit documentation of having retaken and ~~passed~~ achieved a qualifying score on the credentialing examination for occupational ~~therapist~~ therapists or occupational therapy ~~assistant~~ assistants, or of having completed an occupational therapy refresher program that contains both a theoretical and clinical component approved by the board~~.~~; and

(3) submit verified documentation of successful completion of 480 hours of supervised practice approved by the board under a limited license specified in section 148.6425, subdivision 3, paragraph (c). The 480 hours of supervised practice must be completed in six months and may be completed at the applicant's place of work. Only refresher courses completed within one year prior to the date of application qualify for approval.

Sec. 8. Minnesota Statutes 2018, section 148.6412, subdivision 2, is amended to read:

Subd. 2. **Persons certified by National Board for Certification in Occupational Therapy ~~after June 17, 1996.~~** The board may license any person certified by the National Board for Certification in Occupational Therapy as an occupational therapist ~~after June 17, 1996,~~ if the board determines the requirements for certification are equivalent to or exceed the requirements for licensure as an occupational therapist under section 148.6408. The board may license any person certified by the National Board for Certification in Occupational Therapy as an occupational therapy assistant ~~after June 17, 1996,~~ if the board determines the requirements for certification are equivalent to or exceed the requirements for licensure as an occupational therapy assistant under section 148.6410. Nothing in this section limits the board's authority to deny licensure based upon the grounds for discipline in sections 148.6401 to 148.6449.

Sec. 9. Minnesota Statutes 2018, section 148.6415, is amended to read:

148.6415 LICENSURE BY RECIPROCITY.

A person who is not certified by the National Board for Certification in Occupational Therapy but who holds a current credential as an occupational therapist in the District of Columbia or a state or territory of the United States whose standards for credentialing are determined by the board to be equivalent to or exceed the requirements for licensure under section 148.6408 may be eligible for licensure by reciprocity as an occupational therapist. A person who is not certified by the National Board for Certification in Occupational Therapy but who holds a current credential as an occupational therapy assistant in the District of Columbia or a state or territory of the United States whose standards for credentialing are determined by the board to be equivalent to or exceed the requirements for licensure under section 148.6410 may be eligible for licensure by reciprocity as an occupational therapy assistant. Nothing in this section limits the board's authority to deny licensure based upon the grounds for discipline in sections 148.6401 to 148.6449. An applicant must provide:

(1) the application materials as required by section 148.6420, subdivisions 1, 3, and 4;

(2) the fees required by section 148.6445;

(3) a copy of a current and unrestricted credential for the practice of occupational therapy as either an occupational therapist or occupational therapy assistant;

(4) a letter from the jurisdiction that issued the credential describing the applicant's qualifications that entitled the applicant to receive the credential; and

(5) other information necessary to determine whether the credentialing standards of the jurisdiction that issued the credential are equivalent to or exceed the requirements for licensure under sections 148.6401 to 148.6449.

Sec. 10. Minnesota Statutes 2018, section 148.6418, subdivision 4, is amended to read:

Subd. 4. **Supervision required.** An applicant who has graduated from an accredited occupational therapy program, as required by section 148.6408, subdivision 1, or 148.6410, subdivision 1, and who has not passed the examination required by section 148.6408, subdivision 2, or 148.6410, subdivision 2, must practice under the supervision of a licensed occupational therapist. The supervising therapist must, at a minimum, supervise the person working under temporary licensure in the performance of the initial evaluation, determination of the appropriate ~~treatment~~ intervention plan, and periodic review and modification of the ~~treatment~~ intervention plan. The supervising therapist must observe the person working under temporary licensure in order to ~~assure~~ ensure service competency in carrying out evaluation, ~~treatment~~ intervention planning, and ~~treatment~~ intervention implementation. The frequency of face-to-face collaboration between the person working under temporary licensure and the supervising therapist must be based on the condition of each patient or client, the complexity of ~~treatment~~ intervention and evaluation procedures, and the proficiencies of the person practicing under temporary licensure. Following demonstrated service competency of the applicant, supervision must occur no less than every ten intervention days or every 30 calendar days, whichever occurs first. The occupational therapist or occupational therapy assistant working under temporary licensure must provide verification of supervision on the application form provided by the board.

Sec. 11. Minnesota Statutes 2018, section 148.6418, subdivision 5, is amended to read:

Subd. 5. **Expiration of temporary licensure.** (a) A person issued a temporary license pursuant to subdivision 2, clause (1), must demonstrate to the board within the temporary licensure period successful completion of the qualifying examination requirement under section 148.6408, subdivision 2, or section 148.6410, subdivision 2. A temporary license holder who fails the qualifying examination for a second time shall have their temporary license revoked effective upon notification to the temporary license holder of the examination score. It is the temporary license holder's obligation to submit to the board their qualifying examination scores and to refrain from practice if their temporary license is revoked. Failure to do so subjects the temporary license holder to disciplinary action pursuant to section 148.6448, subdivision 1, clause (5).

(b) A temporary license ~~issued to a person pursuant to subdivision 2, clause (1),~~ expires six months from the date of issuance ~~for occupational therapists and occupational therapy assistants~~ or on the date the board grants or denies licensure, whichever occurs first. ~~A temporary license issued to a person pursuant to subdivision 2, clause (2) or (3), expires 90 days after it is issued. Upon application for renewal, a temporary license shall be renewed once to persons who have not met the examination requirement under section 148.6408, subdivision 2, or 148.6410, subdivision 2, within the initial temporary licensure period and who are not the subject of a disciplinary action nor disqualified on the basis of items in section 148.6448, subdivision 1. Upon application for renewal, a temporary license shall be renewed once to persons who are able to demonstrate good cause for failure to meet the requirements for licensure under section 148.6412 or 148.6415 within the initial temporary licensure period and who are not the subject of a disciplinary action nor disqualified on the basis of items in section 148.6448, subdivision 1.~~

(c) A temporary license is not renewable.

Sec. 12. Minnesota Statutes 2019 Supplement, section 148.6420, subdivision 1, is amended to read:

Subdivision 1. **Applications for licensure.** An applicant for licensure must:

(1) submit a completed application for licensure on forms provided by the board and must supply the information requested on the application, including:

(i) the applicant's name, business address and business telephone number, business setting, primary e-mail address, and daytime telephone number;

(ii) the name and location of the occupational therapy program the applicant completed;

(iii) a description of the applicant's education and training, including a list of degrees received from educational institutions;

(iv) the applicant's work history for the six years preceding the application~~, including the number of hours worked~~;

(v) a list of all credentials currently and previously held in Minnesota and other jurisdictions;

(vi) a description of any jurisdiction's refusal to credential the applicant;

(vii) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction;

(viii) information on any physical or mental condition or chemical dependency that impairs the person's ability to engage in the practice of occupational therapy with reasonable judgment or safety;

(ix) a description of any misdemeanor or felony conviction that relates to honesty or to the practice of occupational therapy; and

(x) a description of any state or federal court order, including a conciliation court judgment or a disciplinary order, related to the individual's occupational therapy practice;

(2) submit with the application all fees required by section 148.6445;

(3) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(4) sign a waiver authorizing the board to obtain access to the applicant's records in this or any other state in which the applicant holds or previously held a credential for the practice of an occupation, has completed an accredited occupational therapy education program, or engaged in the practice of occupational therapy;

(5) submit additional information as requested by the board; and

(6) submit the additional information required for licensure by equivalency, licensure by reciprocity, and temporary licensure as specified in sections 148.6408 to 148.6418.

Sec. 13. Minnesota Statutes 2018, section 148.6420, subdivision 4, is amended to read:

Subd. 4. **Applicants credentialed in another jurisdiction.** In addition to providing the materials required in subdivision 1, an applicant credentialed in another jurisdiction must request that the appropriate government body in each jurisdiction in which the applicant holds or held an occupational therapy credential ~~send a letter to the commissioner~~ provide documentation to the board that verifies the applicant's credentials. Except as provided in section 148.6418, a license ~~shall~~ must not be issued until the ~~commissioner~~ board receives ~~letters verifying~~ verification of each of the applicant's credentials. Each ~~letter~~ verification must include the applicant's name and date of birth, credential number and date of issuance, a statement regarding investigations pending and disciplinary actions taken or pending against the applicant, current status of the credential, and the terms under which the credential was issued.

Sec. 14. Minnesota Statutes 2018, section 148.6420, subdivision 5, is amended to read:

Subd. 5. **Action on applications for licensure.** (a) The board shall approve, approve with conditions, or deny licensure. The board shall act on an application for licensure according to paragraphs (b) to (d).

(b) The board shall determine if the applicant meets the requirements for licensure. The board~~, or the advisory council at the board's request,~~ may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The board shall notify an applicant of action taken on the application and, if licensure is denied or approved with conditions, the grounds for the board's determination.

(d) An applicant denied licensure or granted licensure with conditions may make a written request to the board, within 30 days of the date of the board's determination, for reconsideration of the board's determination. Individuals requesting reconsideration may submit information which the applicant wants considered in the reconsideration. After reconsideration of the board's determination to deny licensure or grant licensure with conditions, the board shall determine whether the original determination should be affirmed or modified. An applicant is allowed no more than one request in any one biennial licensure period for reconsideration of the board's determination to deny licensure or approve licensure with conditions.

Sec. 15. Minnesota Statutes 2018, section 148.6423, is amended to read:

148.6423 LICENSURE RENEWAL.

Subdivision 1. **Renewal requirements.** To be eligible for licensure renewal, a licensee must:

(1) submit a completed and signed application for licensure renewal ~~on forms provided by the board~~;

(2) submit the renewal fee required under section 148.6445;

(3) submit proof of having met the continuing education requirement of section 148.6443 ~~on forms provided by the board~~; and

(4) submit additional information as requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 calendar days ~~after~~ of the board's request.

Subd. 2. **Renewal deadline.** (a) Except as provided in paragraph (c), licenses must be renewed every two years. Licensees must comply with the following procedures in paragraphs (b) to (e).

(b) Each license must state an expiration date. An application for licensure renewal must be received by the board ~~or postmarked~~ at least 30 calendar days before the expiration date. ~~If the postmark is illegible, the application shall be considered timely if received at least 21 calendar days before the expiration date.~~

(c) If the board changes the renewal schedule and the expiration date is less than two years, the fee and the continuing education contact hours to be reported at the next renewal must be prorated.

(d) An application for licensure renewal not received within the time required under paragraph (b), but received on or before the expiration date, must be accompanied by a late fee in addition to the renewal fee specified by section 148.6445.

(e) Licensure renewals received after the expiration date ~~shall not be accepted and persons seeking licensed status~~ must comply with the requirements of section 148.6425.

Subd. 3. **Licensure renewal notice.** At least 60 ~~calendar~~ days before the expiration date in subdivision 2, the board ~~shall mail~~ must send or transmit a renewal notice to the ~~licensee's last known address on file with the board~~ licensee. The notice must include ~~an application for licensure renewal and notice of fees required for renewal~~ information about accessing the license renewal and fee schedule. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for licensure renewal.

Subd. 4. **License renewal cycle conversion.** The license renewal cycle for occupational therapy licensees is converted to a two-year cycle where renewal is due on the last day of the licensee's month of birth. Conversion pursuant to this section begins January 1, 2021. This section governs license renewal procedures for licensees who were licensed before December 31, 2020. The conversion renewal cycle is the renewal cycle following the first license renewal after January 1, 2020. The conversion license period is the license period for the conversion renewal cycle. The conversion license period is between 13 and 24 months and ends on the last day of the licensee's month of birth in either 2022 or 2023, as described in subdivision 5.

Subd. 5. **Conversion of license renewal cycle for current licensees.** For a licensee whose license is current as of December 31, 2020, the licensee's conversion license period begins on January 1, 2021, and ends on the last day of the licensee's month of birth in 2023, except that for licensees whose month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 2022.

Subd. 6. **Conversion of license renewal cycle for noncurrent licensees.** This subdivision applies to a licensee who was licensed before December 31, 2020, but whose license is not current as of December 31, 2020. When the licensee first renews the license after January 1, 2021, the conversion renewal cycle begins on the date the licensee applies for renewal and ends on the last day of the licensee's month of birth in the next year, except that if the last day of the licensee's month of birth is less than six months after the date the licensee applies for renewal, then the renewal period ends on the last day of the licensee's month of birth two years after the date of renewal.

Subd. 7. **Subsequent renewal cycles.** After the licensee's conversion renewal cycle under subdivision 5 or 6, subsequent renewal cycles are biennial and begin on the first day of the month following the licensee's birth month.

Subd. 8. **Conversion period and fees.** (a) A licensee who holds a license issued before January 1, 2021, and who renews that license pursuant to subdivision 5 or 6, must pay a renewal fee as required in this subdivision.

(b) A licensee must be charged the biennial license fee listed in section 148.6445 for the conversion license period.

(c) For a licensee whose conversion license period is 13 to 24 months, the first biennial license fee charged after the conversion license period must be adjusted to credit the excess fee payment made during the conversion license period. The credit is calculated by:

(1) subtracting the number of months of the licensee's conversion license period from 24; and

(2) multiplying the result of clause (1) by 1/24 of the biennial fee rounded up to the next dollar.

(d) For a licensee whose conversion license period is 24 months, the first biennial license fee charged after the conversion license period must not be adjusted.

(e) For the second and all subsequent license renewals made after the conversion license period, the licensee's biennial license fee is as listed in section 148.6445.

Subd. 9. **Expiration.** Subdivisions 4, 5, 7, and 8 expire December 31, 2023.

Sec. 16. Minnesota Statutes 2018, section 148.6425, subdivision 2, is amended to read:

Subd. 2. **Licensure renewal after licensure expiration date.** ~~An individual~~ A licensee whose application for licensure renewal is received after the licensure expiration date must submit the following:

(1) a completed and signed application for licensure following lapse in licensed status ~~on forms provided by the board~~;

(2) the renewal fee and the late fee required under section 148.6445;

(3) proof of having met the continuing education requirements in section 148.6443, subdivision 1; and

(4) additional information as requested by the board to clarify information in the application, including information to determine whether the ~~individual~~ licensee has engaged in conduct warranting disciplinary action as set forth in section 148.6448. The information must be submitted within 30 calendar days ~~after~~ from the date of the board's request.

Sec. 17. Minnesota Statutes 2018, section 148.6428, is amended to read:

148.6428 CHANGE OF NAME, ADDRESS, OR EMPLOYMENT.

A licensee who changes a name, primary e-mail address, address, ~~or~~ employment, business address, or business telephone number must inform the board~~, in writing,~~ of the change of name, primary e-mail address, address, employment, business address, or business telephone number within 30 calendar days from the effective date of the change. A change in name must be accompanied by a copy of a marriage certificate or court order. All notices

or other correspondence ~~mailed to or~~ served on a licensee by the board at the licensee's ~~address~~ contact information on file with the board ~~shall~~ must be considered as having been received by the licensee.

Sec. 18. Minnesota Statutes 2018, section 148.6430, is amended to read:

148.6430 DELEGATION OF DUTIES; ASSIGNMENT OF TASKS.

The occupational therapist is responsible for all duties delegated to the occupational therapy assistant or tasks assigned to direct service personnel. The occupational therapist may delegate to an occupational therapy assistant those portions of a client's evaluation, reevaluation, and ~~treatment~~ intervention that, according to prevailing national practice standards ~~of the American Occupational Therapy Association~~, can be performed by an occupational therapy assistant. The occupational therapist may not delegate portions of an evaluation or reevaluation of a person whose condition is changing rapidly.

Sec. 19. Minnesota Statutes 2018, section 148.6432, subdivision 3, is amended to read:

Subd. 3. **~~Treatment~~ Intervention.** (a) The occupational therapist ~~shall~~ must determine the frequency and manner of supervision of an occupational therapy assistant performing ~~treatment~~ intervention procedures delegated pursuant to section 148.6430~~,~~ based on the condition of the patient or client, the complexity of the ~~treatment~~ intervention procedure, and the ~~proficiencies~~ service competency of the occupational therapy assistant.

(b) Face-to-face collaboration between the occupational therapist and the occupational therapy assistant ~~shall~~ must occur~~, at a minimum, every two weeks~~ every ten intervention days or every 30 days, whichever comes first, during which time the occupational therapist is responsible for:

(1) planning and documenting an initial ~~treatment~~ intervention plan and discharge from ~~treatment~~ interventions;

(2) reviewing ~~treatment~~ intervention goals, therapy programs, and client progress;

(3) supervising changes in the ~~treatment~~ intervention plan;

(4) conducting or observing ~~treatment~~ intervention procedures for selected clients and documenting appropriateness of ~~treatment~~ intervention procedures. Clients ~~shall~~ must be selected based on the occupational therapy services provided to the client and the role of the occupational therapist and the occupational therapy assistant in those services; and

(5) ensuring the service competency of the occupational therapy assistant in performing delegated ~~treatment~~ intervention procedures.

(c) Face-to-face collaboration must occur more frequently ~~than every two weeks~~ if necessary to meet the requirements of paragraph (a) or (b).

(d) The occupational therapist ~~shall~~ must document compliance with this subdivision in the client's file or chart.

Sec. 20. Minnesota Statutes 2018, section 148.6435, is amended to read:

148.6435 COORDINATION OF SERVICES.

An occupational therapist ~~shall~~ must:

(1) collect information necessary to ensure that the provision of occupational therapy services are consistent with the client's physical and mental health status. The information required to make this determination may include, but is not limited to, contacting the client's licensed health care professional for health history, current health status, current medications, and precautions;

(2) modify or terminate occupational therapy ~~treatment~~ intervention of a client that is not beneficial to the client, not tolerated by the client, or refused by the client, and if ~~treatment~~ intervention was terminated for a medical reason, notify the client's licensed health care professional by correspondence postmarked or delivered to the licensed health care professional within ~~seven calendar days~~ one week of the termination of ~~treatment~~ intervention;

(3) refer a client to an appropriate health care, social service, or education practitioner if the client's condition requires services not within the occupational therapist's service competency or not within the practice of occupational therapy generally; and

(4) participate and cooperate in the coordination of occupational therapy services with other related services, as a member of the professional community serving the client~~; and~~.

~~(5) communicate, in writing, with the appropriate licensed health care professional an occupational therapy plan of care, postmarked or delivered to the licensed health care professional within 14 calendar days of the initiation of treatment. The occupational therapist must provide this written communication even if occupational therapy treatment is concluded in less than 14 consecutive days. The occupational therapist shall document modifications to the plan of care requested by the licensed health care professional following consultation with the licensed health care professional. Occupational therapists employed by a school system are exempt from the requirements of this clause in the performance of their duties within the school system.~~

Sec. 21. Minnesota Statutes 2018, section 148.6443, as amended by Laws 2019, chapter 50, article 1, section 49, is amended to read:

148.6443 CONTINUING EDUCATION REQUIREMENTS.

Subdivision 1. **General requirements.** A licensed occupational therapist must obtain a minimum of 24 contact hours of continuing education in the two-year licensure period. A licensed occupational therapy assistant must obtain a minimum of 18 contact hours of continuing education in the two-year licensure period. All continuing education coursework must be obtained between the effective and expiration dates of the license. Licensees who are issued licenses for a period of less than two years ~~shall~~ must obtain a prorated number of contact hours required for licensure renewal based on the number of months licensed during the two-year licensure period.

~~To qualify as a continuing education activity, the activity must be a minimum of one contact hour. Contact hours must be earned and reported in increments of one contact hour or one-half contact hour after the first contact hour of each continuing education activity. One-half contact hour means an instructional session of 30 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.~~

Each licensee is responsible for financing the cost of the licensee's continuing education activities.

Subd. 2. **Standards for determining qualified continuing education activities.** To be accepted by the board, activities must be related to a licensee's current or anticipated roles and responsibilities as an occupational therapy practitioner and must directly or indirectly serve to protect the public by enhancing the licensee's continuing competence.

Except as provided in subdivision 3, paragraph (d), in order to qualify as a continuing education activity, the activity must:

(1) constitute an organized program of learning;

(2) reasonably be expected to advance the knowledge and skills of the occupational therapy practitioner;

~~(3) pertain to subjects that directly relate to the practice of occupational therapy;~~

~~(4)~~ (3) be conducted by a sponsor approved by the American Occupational Therapy Association or by individuals who have education, training, and experience by reason of which the individuals should be considered experts on the subject matter of the activity; and

~~(5)~~ (4) be presented by a sponsor who has a mechanism to verify participation and maintains attendance records for a minimum of three years.

Subd. 3. **Activities qualifying for continuing education contact hours.** (a) The activities in this subdivision qualify for continuing education contact hours if they meet all other requirements of this section.

(b) A minimum of one-half of the required contact hours must be directly related to ~~the~~ occupational therapy practice. The remaining contact hours may be related to occupational therapy practice, the delivery of occupational therapy services, or to the practitioner's current professional role.

(c) A licensee may obtain an unlimited number of contact hours in any two-year continuing education period through participation in the following:

(1) attendance at educational programs of annual conferences, lectures, panel discussions, workshops, in-service training, seminars, and symposiums;

(2) successful completion of college or university courses. The licensee must obtain a grade of at least a "C" or a pass in a ~~pass or fail~~ pass/fail course in order to receive ~~the following continuing education credits:~~ credit. One college credit equals six continuing education contact hours;

~~(i) one semester credit equals 14 contact hours;~~

~~(ii) one trimester credit equals 12 contact hours; and~~

~~(iii) one quarter credit equals ten contact hours;~~

(3) successful completion of home study courses that require the participant to demonstrate the participant's knowledge following completion of the course.

(d) A licensee may obtain a maximum of ~~six~~ one half of the required contact hours in any two-year continuing education period for:

(1) teaching continuing education or occupational therapy related courses that meet the requirements of this section. A licensee is entitled to earn a maximum of two contact hours as preparation time for each contact hour of presentation time. Contact hours may be claimed only once for teaching the same course in any two-year continuing education period. A course schedule or brochure must be maintained for audit;

(2) supervising occupational therapist or occupational therapy assistant students. A licensee may earn one contact hour for every eight hours of student supervision. Licensees must ~~maintain a log indicating the name of~~ ensure they receive documentation regarding each student supervised and the dates and hours each student was supervised. Contact hours obtained by student supervision must be obtained by supervising students from an occupational therapy education program accredited by the Accreditation Council for Occupational Therapy Education;

(3) teaching or participating in courses related to leisure activities, recreational activities, or hobbies if the practitioner uses these interventions within the practitioner's current practice or employment; and

(4) engaging in research activities or outcome studies that are related to the practice of occupational therapy and associated with grants, postgraduate studies, or publications in professional journals or books.

(e) A licensee may obtain a maximum of two contact hours in any two-year continuing education period for continuing education activities in the following areas:

(1) personal skill topics: career burnout, communication skills, human relations, and similar topics; ~~and~~

(2) training that is obtained in conjunction with a licensee's employment, occurs during a licensee's normal workday, and does not include subject matter specific to the fundamentals of occupational therapy~~.~~; and

(3) participation for a minimum of one year on a professional committee or board.

Subd. 4. **Activities not qualifying for continuing education contact hours.** ~~No~~ Credit ~~shall~~ must not be granted for the following activities: hospital rounds, entertainment or recreational activities, noneducational association meetings, and employment orientation sessions~~, holding an office or serving as an organizational delegate, meetings for the purpose of making policy and noneducational association meetings~~.

Subd. 5. **Reporting continuing education contact hours.** ~~Within one month following licensure expiration, each licensee shall submit verification that the licensee has met the continuing education requirements of this section on the continuing education report form provided by the board. The continuing education report form may require the following information:~~ Each licensee must use the continuing education reporting form to verify meeting the continuing education requirements of this section. The licensee must maintain documentation, including but not limited to a signed certificate, transcript, or similar evidence of participation in an activity. The documentation must include a:

(1) title of the continuing education activity;

(2) brief description of the continuing education activity prepared by the presenter or sponsor;

(3) sponsor, presenter, or author;

(4) location and attendance dates;

(5) number of contact hours; and

(6) licensee's ~~notarized affirmation that the information is true and correct~~ name.

Subd. 6. **Auditing continuing education reports.** (a) The board may audit a percentage of the continuing education reports based on random selection. A licensee shall maintain all documentation required by this section for two years after the last day of the biennial licensure period in which the contact hours were earned.

(b) All renewal applications that are received after the expiration date may be subject to a continuing education report audit.

(c) Any licensee against whom a complaint is filed may be subject to a continuing education report audit.

(d) The licensee shall make the following information available to the board for auditing purposes:

(1) a copy of the completed continuing education ~~report~~ reporting form for the continuing education reporting period that is the subject of the audit including all supporting documentation required by subdivision 5;

~~(2) a description of the continuing education activity prepared by the presenter or sponsor that includes the course title or subject matter, date, place, number of program contact hours, presenters, and sponsors;~~

~~(3) documentation of self-study programs by materials prepared by the presenter or sponsor that includes the course title, course description, name of sponsor or author, and the number of hours required to complete the program;~~

~~(4)~~ (2) documentation of university, college, or vocational school courses by a transcript and a course syllabus, listing in a course bulletin, or equivalent documentation that includes the course title, instructor's name, course dates, number of contact hours, and course content, objectives, or goals; and

~~(5)~~ (3) verification of attendance by:

(i) a signature of the presenter or a designee at the continuing education activity on the continuing education report form or a certificate of attendance with the course name, course date, and licensee's name;

(ii) a summary or outline of the educational content of an audio or video educational activity to verify the licensee's participation in the activity if a designee is not available to sign the continuing education report form; or

(iii) verification of self-study programs by a certificate of completion or other documentation indicating that the individual has demonstrated knowledge and has successfully completed the program~~; or~~.

~~(iv) verification of attendance at a university, college, or vocational course by an official transcript.~~

Subd. 7. **Waiver of continuing education requirements.** ~~The board may grant a waiver of the requirements of this section in cases where the requirements would impose an extreme hardship on the licensee.~~ The board may waive or defer all or part of the continuing education requirements of this section if the licensee submits a written request and provides satisfactory evidence to the board of illness, injury, financial hardship, family hardship, or other similar extenuating circumstances that preclude completion of the requirements during the licensure period. The request for a waiver must be in writing, state the circumstances that constitute ~~extreme~~ hardship, state the period of time the licensee wishes to have the continuing education requirement waived, and state the alternative measures that will be taken if a

waiver is granted. The board ~~shall~~ must set forth, in writing, the reasons for granting or denying the waiver. Waivers granted by the board ~~shall~~ must specify, in writing, the time limitation and required alternative measures to be taken by the licensee. A request for waiver ~~shall~~ must be denied if the board finds that the circumstances stated by the licensee do not support a claim of ~~extreme~~ hardship, the requested time period for waiver is unreasonable, the alternative measures proposed by the licensee are not equivalent to the continuing education activity being waived, or the request for waiver is not submitted to the board within 60 calendar days ~~after~~ of the expiration date.

Subd. 8. **Penalties for noncompliance.** The board shall refuse to renew or grant, or shall suspend, condition, limit, or qualify the license of any person who the board determines has failed to comply with the continuing education requirements of this section. A licensee may request reconsideration of the board's determination of noncompliance or the penalty imposed under this section by making a written request to the board within 30 calendar days of the date of notification to the applicant. Individuals requesting reconsideration may submit information that the licensee wants considered in the reconsideration.

Sec. 22. Minnesota Statutes 2018, section 148.6445, subdivision 11, is amended to read:

Subd. 11. **Penalty fees.** (a) The penalty fee for practicing occupational therapy or using protected titles without a current license after the credential has expired and before it is renewed is the amount of the license renewal fee for any part of the first month, plus the license renewal fee for any part of any subsequent month up to 36 months.

(b) The penalty fee for applicants who engage in the unauthorized practice of occupational therapy or use protected titles before being issued a license is the amount of the license application fee for any part of the first month, plus the license application fee for any part of any subsequent month up to 36 months. This paragraph does not apply to applicants not qualifying for a license who engage in the unauthorized practice of occupational therapy.

(c) ~~The penalty fee for practicing occupational therapy and failing~~ When an occupational therapy practitioner fails to submit a requested continuing education report by the due date with the correct number or type of hours in the correct time period ~~is $100 plus $20 for each missing clock hour.~~ the practitioner must pay either: (1) a $100 penalty fee and complete the missing contact hours within 30 calendar days from the date of the penalty fee notice; or (2) a $100 penalty fee and $20 for each missing contact hour, and complete the missing number of contact hours by the next reporting due date. "Missing" means not obtained between the effective and expiration dates of the license~~, the one-month period following the license expiration date, or the 30 days following notice of a penalty fee for failing to report all continuing education hours. The licensee must obtain the missing number of continuing education hours by the next reporting due date~~.

(d) Civil penalties and discipline incurred by licensees ~~prior to August 1, 2005,~~ for conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty fees. For conduct described in paragraph (a) or (b) ~~occurring after August 1, 2005, and~~ exceeding six months, payment of a penalty fee does not preclude any disciplinary action reasonably justified by the individual case.

Sec. 23. Minnesota Statutes 2019 Supplement, section 148.6448, subdivision 1, is amended to read:

Subdivision 1. **Grounds for denial of licensure or discipline.** The board may deny an application for licensure, may approve licensure with conditions, or may discipline a licensee using any disciplinary actions listed in subdivision 3 on proof that the individual has:

(1) intentionally submitted false or misleading information to the board;

(2) failed, within 30 days, to provide information in response to a written request by the board;

(3) performed services of an occupational therapist or occupational therapy assistant in an incompetent manner or in a manner that falls below the community standard of care;

(4) failed to satisfactorily perform occupational therapy services during a period of temporary licensure;

(5) violated sections 148.6401 to 148.6449;

(6) failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

(7) been convicted of violating any state or federal law, rule, or regulation which directly relates to the practice of occupational therapy;

(8) aided or abetted another person in violating any provision of sections 148.6401 to 148.6449;

(9) been disciplined for conduct in the practice of an occupation by the state of Minnesota, another jurisdiction, or a national professional association, if any of the grounds for discipline are the same or substantially equivalent to those in sections 148.6401 to 148.6449;

(10) not cooperated with the board in an investigation conducted according to subdivision 2;

(11) advertised in a manner that is false or misleading;

(12) engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public;

(13) demonstrated a willful or careless disregard for the health, welfare, or safety of a client;

(14) performed medical diagnosis or provided ~~treatment~~ intervention, other than occupational therapy, without being licensed to do so under the laws of this state;

(15) paid or promised to pay a commission or part of a fee to any person who contacts the occupational therapist for consultation or sends patients to the occupational therapist for ~~treatment~~ intervention;

(16) engaged in an incentive payment arrangement, other than that prohibited by clause (15), that promotes occupational therapy overutilization, whereby the referring person or person who controls the availability of occupational therapy services to a client profits unreasonably as a result of client ~~treatment~~ intervention;

(17) engaged in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

(18) obtained money, property, or services from a consumer through the use of undue influence, high pressure sales tactics, harassment, duress, deception, or fraud;

(19) performed services for a client who had no possibility of benefiting from the services;

(20) failed to refer a client for medical evaluation when appropriate or when a client indicated symptoms associated with diseases that could be medically or surgically treated;

(21) engaged in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient;

(22) violated a federal or state court order, including a conciliation court judgment, or a disciplinary order issued by the board, related to the person's occupational therapy practice; or

(23) any other just cause related to the practice of occupational therapy.

Sec. 24. Minnesota Statutes 2018, section 148.6448, subdivision 2, is amended to read:

Subd. 2. **Investigation of complaints.** The board may initiate an investigation upon receiving a complaint or other oral or written communication that alleges or implies that a person has violated sections 148.6401 to 148.6449. In the receipt, investigation, and hearing of a complaint that alleges or implies a person has violated sections 148.6401 to 148.6449, the board ~~shall~~ must follow the procedures in ~~section~~ sections 214.10 and 214.103.

Sec. 25. Minnesota Statutes 2018, section 148.6449, subdivision 2, is amended to read:

Subd. 2. **Qualifications of board members.** (a) The occupational therapy practitioners appointed to the board must represent a variety of practice areas and settings.

(b) At least two occupational therapy practitioners must be employed outside the seven-county metropolitan area.

(c) Board members ~~shall~~ must not serve for ~~not~~ more than two full consecutive terms.

Sec. 26. **REPEALER.**

(a) Minnesota Statutes 2018, sections 148.6402, subdivisions 10 and 15; and 148.6412, subdivision 1, are repealed.

(b) Minnesota Rules, part 4664.0003, subpart 28, is repealed.

ARTICLE 3
BOARD OF SOCIAL WORK PRACTICE

Section 1. Minnesota Statutes 2018, section 148E.010, is amended by adding a subdivision to read:

Subd. 3a. **Baccalaureate degree.** "Baccalaureate degree" means a bachelor's degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body that the board designates.

Sec. 2. Minnesota Statutes 2018, section 148E.010, is amended by adding a subdivision to read:

Subd. 7b. **Clock hour.** "Clock hour" means 60 minutes of learning.

Sec. 3. Minnesota Statutes 2018, section 148E.010, is amended by adding a subdivision to read:

Subd. 7c. **Continuing education.** "Continuing education" means education and training to maintain, improve, or enhance competent social work practice.

Sec. 4. Minnesota Statutes 2018, section 148E.010, is amended by adding a subdivision to read:

Subd. 7d. **Continuing education independent learning.** "Continuing education independent learning" means a licensee's individual study, including but not limited to online activities without live interaction, research for publication, presentations, or professional development.

Sec. 5. Minnesota Statutes 2018, section 148E.010, is amended by adding a subdivision to read:

Subd. 7e. **Continuing education social work ethics.** "Continuing education social work ethics" means:

(1) the history and evolution of values and ethics in social work, including cultural awareness and social diversity;

(2) ethics theories;

(3) professional standards of social work practice, as specified in the ethical codes of the National Association of Social Workers, the Association of Canadian Social Workers, the Clinical Social Work Federation, and the Council on Social Work Education;

(4) the legal requirements and other considerations for each jurisdiction that registers, certifies, or licenses social workers; or

(5) the ethical decision-making process.

Sec. 6. Minnesota Statutes 2018, section 148E.010, subdivision 9, is amended to read:

Subd. 9. **Intern.** "Intern" means a student in field placement working under the supervision ~~or direction~~ of a social worker to fulfill the requirements of a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body that the board designates.

Sec. 7. Minnesota Statutes 2018, section 148E.010, subdivision 11, is amended to read:

Subd. 11. **Practice of social work.** (a) "Practice of social work" means working to maintain, restore, or improve behavioral, cognitive, emotional, mental, or social functioning of clients, in a manner that applies accepted professional social work knowledge, skills, and values, including the person-in-environment perspective, by providing in person or through telephone, video conferencing, or electronic means one or more of the social work services described in paragraph (b), clauses (1) to (3). Social work services may address conditions that impair or limit behavioral, cognitive, emotional, mental, or social functioning. Such conditions include, but are not limited to, the following: abuse and neglect of children or vulnerable adults, addictions, developmental disorders, disabilities, discrimination, illness, injuries, poverty, and trauma. Practice of social work also means providing social work services in a position for which the educational basis is the individual's degree in social work described in subdivision 13.

(b) Social work services include:

(1) providing assessment and intervention through direct contact with clients, developing a plan based on information from an assessment, and providing services which include, but are not limited to, assessment, case management, client-centered advocacy, client education, consultation, counseling, crisis intervention, and referral;

(2) providing for the direct or indirect benefit of clients through administrative, educational, policy, or research services including, but not limited to:

(i) advocating for policies, programs, or services to improve the well-being of clients;

(ii) conducting research related to social work services;

(iii) developing and administering programs which provide social work services;

(iv) engaging in community organization to address social problems and macrocosm issues through planned collective action;

(v) supervising individuals who provide social work services to clients;

(vi) supervising social workers in order to comply with the supervised practice requirements specified in sections 148E.100 to 148E.125; and

(vii) teaching professional social work knowledge, skills, and values to students; and

(3) engaging in clinical practice as defined in subdivision 6.

Sec. 8. Minnesota Statutes 2018, section 148E.010, subdivision 16, is amended to read:

Subd. 16. **Student.** "Student" means an individual who is ~~taught~~ currently enrolled in a program that has been accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body that the board designates and who studies professional social work knowledge, skills, and values ~~in a program that has been accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board~~.

Sec. 9. Minnesota Statutes 2018, section 148E.010, subdivision 17, is amended to read:

Subd. 17. **Supervisee.** "Supervisee" means an individual ~~provided~~ who receives evaluation and supervision or direction of the supervisee's social work practice through supervision in order to comply with sections 148E.100 to 148E.125 by an individual who meets the requirements under section 148E.120.

Sec. 10. Minnesota Statutes 2018, section 148E.010, subdivision 18, is amended to read:

Subd. 18. **Supervision.** "Supervision" means a professional relationship between a supervisor and a ~~social worker~~ supervisee in which the supervisor ~~provides evaluation and direction of the services provided by the social worker to promote competent and ethical services to clients through the continuing development of the social worker's knowledge and application of accepted professional social work knowledge, skills, and values~~ evaluates and directs the supervisee's social work practice. A supervisor's role is to promote a

supervisee's continued development of the supervisee's knowledge, skills, and abilities to practice social work in an ethical and competent manner.

Sec. 11. Minnesota Statutes 2018, section 148E.010, subdivision 19, is amended to read:

Subd. 19. **Supervisor.** "Supervisor" means an individual who ~~provides~~ meets the requirements of section 148E.120 to provide evaluation and direction through supervision as described in subdivision 18 in order to comply with sections 148E.100 to 148E.125.

Sec. 12. Minnesota Statutes 2018, section 148E.010, is amended by adding a subdivision to read:

Subd. 20. **Underrepresented community.** "Underrepresented community" means a group that is not represented in the majority with respect to race, ethnicity, national origin, sexual orientation, gender identity, or physical ability.

Sec. 13. Minnesota Statutes 2018, section 148E.015, is amended to read:

148E.015 SCOPE.

This chapter applies to all applicants and licensees, all persons who use the title social worker, and all persons ~~in or out of this state who provide social work services to clients who reside~~ who engage in the practice of social work, as defined in section 148E.010, in this state, regardless of the practitioner's or client's location, unless there are specific applicable exemptions provided by law.

Sec. 14. Minnesota Statutes 2018, section 148E.025, subdivision 2, is amended to read:

Subd. 2. **Qualifications of board members.** (a) All social worker members must have engaged in the practice of social work in Minnesota for at least one year during the ten years preceding their appointments.

~~(b) Five social worker members must be licensed social workers under section 148E.055, subdivision 2. The other five members must include a licensed graduate social worker, a licensed independent social worker, and at least two licensed independent clinical social workers.~~

(b) The ten social worker members must include at least:

(1) three licensed social workers;

(2) two licensed independent clinical social workers; and

(3) two licensed graduate social workers or licensed independent social workers.

(c) ~~Eight~~ Five social worker members must be engaged at the time of their appointment in the practice of social work in Minnesota in the following settings:

(1) one member must be engaged in the practice of social work in either a county or state agency;

~~(2) one member must be engaged in the practice of social work in a state agency;~~

~~(3)~~ (2) one member must be engaged in the practice of social work in an elementary, middle, or secondary school;

~~(4)~~ (3) one member must be ~~employed in a hospital or nursing home licensed under chapter 144 or 144A~~ engaged in the practice of social work in a health care setting;

~~(5)~~ (4) one member must be engaged in the practice of social work in a private ~~agency~~ setting; and

~~(6) two members must be engaged in the practice of social work in a clinical social work setting; and~~

~~(7)~~ (5) one member must be an educator engaged in regular teaching duties at a program of social work accredited by the Council on Social Work Education or a similar accreditation body ~~designated by~~ that the board designates.

(d) At the time of their appointments, at least six members must reside outside of the 11-county metropolitan area.

(e) At the time of their appointments, at least five members must be ~~persons with expertise in communities of color.~~ members of:

(1) a community of color; or

(2) an underrepresented community, as defined in section 148E.010, subdivision 20.

Sec. 15. Minnesota Statutes 2018, section 148E.055, subdivision 1, is amended to read:

Subdivision 1. **License required.** ~~(a)~~ In order to practice social work, as defined in section 148E.010, subdivisions 6 and 11, an individual must have a social work license under this section or section 148E.060, except when the individual is exempt from licensure according to section 148E.065.

~~(b) Individuals who teach professional social work knowledge, skills, and values to students and who have a social work degree from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body designated by the board must have a social work license under this section or section 148E.060, except when the individual is exempt from licensure according to section 148E.065.~~

~~(c) Effective July 1, 2016, an individual who is newly employed by a city or state agency or a private nonprofit, nontribal agency previously exempt from licensure under Minnesota Statutes 2010, section 148D.065, subdivision 5, and section 148E.065, subdivision 5, must be licensed if:~~

~~(1) the individual is presented to the public by any title incorporating the words "social work" or "social worker"; or~~

~~(2) the individual has a baccalaureate or graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body designated by the board, and the individual provides social work services, including clinical social work services, as those services are defined in section 148E.010, subdivisions 6 and 11.~~

Sec. 16. Minnesota Statutes 2018, section 148E.055, subdivision 2, is amended to read:

Subd. 2. **Qualifications for licensure by examination as a licensed social worker (LSW).** ~~(a)~~ To be licensed as a licensed social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a baccalaureate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body ~~designated by the board, or a doctorate in social work from an accredited university~~ that the board designates;

(2) has passed the bachelor's or equivalent examination administered by the Association of Social Work Boards or a similar examination body ~~designated by the board~~ that the board designates. ~~Unless an applicant applies for licensure by endorsement according to subdivision 7,~~ An examination is not valid if ~~it was taken~~ the applicant took and passed the examination eight or more years prior to submitting ~~a completed, signed~~ an application ~~form provided by the board~~ for licensure under this section. An applicant must take the examination ~~may be taken~~ no more than six months prior to completing degree requirements;

(3) has submitted a completed, signed application form that the board has provided ~~by the board, including the applicable application fee specified in section 148E.180~~. For electronic applications ~~submitted electronically~~, a "signed application" means providing an attestation ~~as specified by the board~~ that the board has specified;

(4) has ~~submitted~~ completed the criminal background check ~~fee and a form provided by the board authorizing a criminal background check according to subdivision 8~~ according to section 214.075 and paid the required fees;

(5) has paid ~~the~~ all applicable ~~license fee~~ fees specified in section 148E.180; and

(6) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

~~(b) An application that is not completed and signed, or that is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.~~

~~(c) A licensee granted a license by the board according to paragraph (a) must meet the supervised practice requirements specified in sections 148E.100 to 148E.125. If a licensee does not meet the supervised practice requirements, the board may take action according to sections 148E.255 to 148E.270.~~

~~(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.~~

~~(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board according to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.~~

~~(f) Except as provided in paragraph (g), an applicant may not take more than three times the bachelor's or equivalent examination administered by the Association of Social Work Boards, or a similar examination body designated by the board. An applicant must receive a passing score on the bachelor's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board in no more than 18 months after the date the applicant first failed the examination.~~

~~(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the bachelor's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:~~

~~(1) meets all requirements specified in paragraphs (a) to (e) other than passing the bachelor's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;~~

~~(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and~~

~~(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically according to professional social work knowledge, skills, and values.~~

~~(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148E.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the~~

~~applicant has failed the bachelor's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.~~

Sec. 17. Minnesota Statutes 2018, section 148E.055, is amended by adding a subdivision to read:

Subd. 2a. **Qualifications for licensure by endorsement as a licensed social worker (LSW).** (a) To be licensed as a licensed social worker, an applicant for licensure by endorsement must provide evidence satisfactory to the board that the applicant:

(1) holds an active license or credential as a baccalaureate-level social worker in another jurisdiction;

(2) holds a bachelor's degree from an accredited college or university;

(3) has submitted a completed, signed application form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(4) has completed the criminal background check according to section 214.075 and paid the required fees;

(5) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270; and

(6) has paid all applicable fees specified in section 148E.180.

(b) An individual licensed under this subdivision is not required to meet the supervised practice requirements in section 148E.100 provided that the applicant has practiced baccalaureate-level social work in another jurisdiction for at least 4,000 hours while actively licensed or credentialed as a baccalaureate-level social worker during the four years immediately preceding the applicant's submission of an application under this subdivision.

Sec. 18. Minnesota Statutes 2018, section 148E.055, subdivision 3, is amended to read:

Subd. 3. **Qualifications for licensure by examination as a licensed graduate social worker (LGSW).** ~~(a)~~ To be licensed as a licensed graduate social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body ~~designated by the board~~ that the board designates, or a doctorate in social work from an accredited university;

(2) has passed the master's or equivalent examination administered by the Association of Social Work Boards or a similar examination body ~~designated by the board~~ that the board designates. ~~Unless an applicant applies for licensure by endorsement according to section 148E.055, subdivision 7,~~ An examination is not valid if ~~it was taken~~ the applicant took and passed the examination eight or more years prior to submitting ~~a completed, signed~~ an application ~~form provided by the board~~ for licensure under this section. The applicant must take the examination ~~may be taken~~ no more than six months prior to completing degree requirements;

(3) has submitted a completed, signed application form that the board has provided ~~by the board, including the applicable application fee specified in section~~ 148E.180. For electronic applications ~~submitted electronically~~, a "signed application" means providing an attestation ~~as specified by the board~~ that the board has specified;

(4) has ~~submitted~~ completed the criminal background check ~~fee and a form provided by the board authorizing a criminal background check according to subdivision 8~~ according to section 214.075 and paid the required fees;

(5) has paid ~~the~~ all applicable ~~license fee~~ fees specified in section 148E.180; and

(6) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

~~(b) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.~~

~~(c) A licensee granted a license by the board according to paragraph (a) must meet the supervised practice requirements specified in sections 148E.100 to 148E.125. If a licensee does not meet the supervised practice requirements, the board may take action according to sections 148E.255 to 148E.270.~~

~~(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.~~

~~(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board according to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.~~

~~(f) Except as provided in paragraph (g), an applicant may not take more than three times the master's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. An applicant must receive a passing score on the master's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board in no more than 18 months after the date the applicant first failed the examination.~~

~~(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the master's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:~~

~~(1) meets all requirements specified in paragraphs (a) to (e) other than passing the master's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;~~

~~(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and~~

~~(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically according to professional social work knowledge, skills, and values.~~

~~(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148E.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the master's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.~~

Sec. 19. Minnesota Statutes 2018, section 148E.055, is amended by adding a subdivision to read:

Subd. 3a. **Qualifications for licensure by endorsement as a licensed graduate social worker (LGSW).** (a) To be licensed as a licensed graduate social worker, an applicant for licensure by endorsement must provide evidence satisfactory to the board that the applicant:

(1) holds an active license or credential as a graduate or master's level social worker in another jurisdiction;

(2) holds a master's degree from an accredited college or university;

(3) has submitted a completed, signed application form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(4) has completed the criminal background check according to section 214.075 and paid the required fees;

(5) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270; and

(6) has paid all applicable fees specified in section 148E.180.

(b) An individual licensed under this subdivision is not required to meet the supervised practice requirements in section 148E.105 provided that the applicant has practiced nonclinical graduate or master's level social work in another jurisdiction for at least 4,000 hours while actively licensed or credentialed as a graduate or master's level social worker during the four years immediately preceding submission of an application under this subdivision.

(c) An individual licensed under this subdivision engaged in clinical social work practice must comply with the supervised practice requirements in section 148E.106.

Sec. 20. Minnesota Statutes 2018, section 148E.055, subdivision 4, is amended to read:

Subd. 4. **Qualifications for licensure by examination; as a licensed independent social worker (LISW).** ~~(a)~~ To be licensed as a licensed independent social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body ~~designated by the board~~ that the board designates, or a doctorate in social work from an accredited university;

(2) has practiced social work as defined in section 148E.010, and has met the supervised practice requirements specified in sections 148E.100 to 148E.125;

(3) has passed the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body ~~designated by the board~~ that the board designates. ~~Unless an applicant applies for licensure by endorsement according to subdivision 7,~~ An examination is not valid if ~~it was taken~~ the applicant took and passed the examination eight or more years prior to submitting ~~a completed, signed~~ an application ~~form provided by the board~~ for licensure under this section;

(4) has submitted a completed, signed application form ~~provided by the board, including the applicable application fee specified in section 148E.180~~ that the board has provided. For electronic applications ~~submitted electronically~~, a "signed application" means providing

an attestation ~~as specified by the board~~ that the board has specified;

(5) has ~~submitted~~ completed the criminal background check ~~fee and a form provided by the board authorizing a criminal background check according to subdivision 8~~ according to section 214.075 and paid the required fees;

(6) has paid ~~the~~ all applicable ~~license fee~~ fees specified in section 148E.180; and

(7) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

~~(b) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.~~

~~(c) A licensed independent social worker who practices clinical social work must meet the supervised practice requirements specified in sections 148E.100 to 148E.125. If a licensee does not meet the supervised practice requirements, the board may take action according to sections 148E.255 to 148E.270.~~

~~(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.~~

~~(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board according to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.~~

~~(f) Except as provided in paragraph (g), an applicant may not take more than three times the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. An applicant must receive a passing score on the master's or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board in no more than 18 months after the first time the applicant failed the examination.~~

~~(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:~~

~~(1) meets all requirements specified in paragraphs (a) to (e) other than passing the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;~~

~~(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and~~

~~(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically according to professional social work knowledge, skills, and values.~~

~~(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148E.060. If the board has reason to believe that an applicant may be practicing social work without a license, except as provided in section 148E.065, and the applicant has failed the advanced generalist or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.~~

Sec. 21. Minnesota Statutes 2018, section 148E.055, is amended by adding a subdivision to read:

Subd. 4a. **Qualifications for licensure by endorsement as a licensed independent social worker (LISW).** (a) To be licensed as a licensed independent social worker, an applicant for licensure by endorsement must provide evidence satisfactory to the board that the applicant:

(1) holds an active license or credential as an advanced practice graduate or master's level social worker in another jurisdiction;

(2) holds a master's degree from an accredited college or university;

(3) has submitted a completed, signed application form that the board provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(4) has completed the criminal background check according to section 214.075 and paid the required fees;

(5) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270; and

(6) has paid all applicable fees specified in section 148E.180.

(b) An individual licensed under this subdivision engaged in clinical social work practice must comply with the supervised practice requirements in section 148E.110.

Sec. 22. Minnesota Statutes 2018, section 148E.055, subdivision 5, is amended to read:

Subd. 5. **Qualifications for licensure by examination; as a licensed independent clinical social worker (LICSW).** (a) To be licensed as a licensed independent clinical social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body ~~designated by the board~~ that the board designates, or a doctorate in social work from an accredited university;

(2) has completed 360 clock hours (one semester credit hour = 15 clock hours) in the following clinical knowledge areas:

(i) 108 clock hours (30 percent) in differential diagnosis and biopsychosocial assessment, including normative development and psychopathology across the life span;

(ii) 36 clock hours (ten percent) in assessment-based clinical treatment planning with measurable goals;

(iii) 108 clock hours (30 percent) in clinical intervention methods informed by research and current standards of practice;

(iv) 18 clock hours (five percent) in evaluation methodologies;

(v) 72 clock hours (20 percent) in social work values and ethics, including cultural context, diversity, and social policy; and

(vi) 18 clock hours (five percent) in culturally specific clinical assessment and intervention;

(3) has practiced clinical social work as defined in section 148E.010, including both diagnosis and treatment, and has met the supervised practice requirements specified in sections 148E.100 to 148E.125;

(4) has passed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body ~~designated by the board~~ that the board designates. ~~Unless an applicant applies for licensure by endorsement according to subdivision 7,~~ An examination is not valid if ~~it was taken~~ the applicant took and passed the examination eight or more years prior to submitting ~~a completed, signed~~ an application ~~form provided by the board~~ for licensure under this section;

(5) has submitted a completed, signed application form that the board has provided ~~by the board, including the applicable application fee specified in section 148E.180~~. For electronic applications ~~submitted electronically~~, a "signed application" means providing an attestation ~~as specified by the board~~ that the board has specified;

(6) has ~~submitted~~ completed the criminal background check ~~fee and a form provided by the board authorizing a criminal background check according to subdivision 8~~ according to section 214.075 and paid the required fees;

(7) has paid ~~the~~ all applicable license ~~fee~~ fees specified in section 148E.180; and

(8) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) The requirement in paragraph (a), clause (2), may be satisfied through:

(1) a graduate degree program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body ~~designated by the board~~ that the board designates; or a doctorate in social work from an accredited university. An academic institution must certify clinical clock hours in the clinical knowledge areas on a form that the board has provided to meet this requirement;

(2) graduate coursework from an accredited institution of higher learning. An academic institution must certify clinical clock hours in the clinical knowledge areas on a form that the board has provided to meet this requirement; or

(3) up to ~~90~~ 120 continuing education hours, ~~not to exceed 20 hours of independent study~~ which the applicant may complete via continuing education independent learning as ~~specified~~ defined in section ~~148E.130, subdivision 5~~ 148E.010, subdivision 7d. ~~The continuing education must have a course description available for public review and must include a posttest. Compliance with this requirement must be documented on a form provided by the board. The board may conduct audits of the information submitted in order to determine compliance with the requirements of this section.~~ The applicant must include documents verifying completion of clinical clock hours in the clinical knowledge areas to meet this requirement as specified in section 148E.130, subdivision 11.

~~(c) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.~~

~~(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.~~

~~(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board according to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.~~

~~(f) Except as provided in paragraph (g), an applicant may not take more than three times the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. An applicant must receive a passing score on the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board no later than 18 months after the first time the applicant failed the examination.~~

~~(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:~~

~~(1) meets all requirements specified in paragraphs (a) to (e) other than passing the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;~~

~~(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and~~

~~(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically according to professional social work knowledge, skills, and values.~~

~~(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148E.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.~~

Sec. 23. Minnesota Statutes 2018, section 148E.055, is amended by adding a subdivision to read:

Subd. 5a. **Qualifications for licensure by endorsement as a licensed independent clinical social worker (LICSW).** To be licensed as a licensed independent clinical social worker, an applicant for licensure by endorsement must provide evidence satisfactory to the board that the applicant:

(1) holds an active license or credential as an independent clinical level social worker in another jurisdiction;

(2) holds a master's degree from an accredited college or university;

(3) has submitted a completed, signed application form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(4) has completed the criminal background check according to section 214.075 and paid the required fees;

(5) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270; and

(6) has paid all applicable fees specified in section 148E.180.

Sec. 24. Minnesota Statutes 2018, section 148E.055, subdivision 6, is amended to read:

Subd. 6. **Degrees from outside United States or Canada.** If an applicant receives a degree from a program outside the United States or Canada that is not accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar examination body designated by the board, the degree does not fulfill the requirements specified in subdivision 2, ~~paragraph (a),~~ clause (1); 3, ~~paragraph (a),~~ clause (1); 4, ~~paragraph (a),~~ clause (1); or 5, paragraph (a), clause (1), unless the Council on Social Work Education or a similar accreditation body designated by the board has determined through the council's international equivalency determination service that the degree earned is equivalent to the degree required.

Sec. 25. Minnesota Statutes 2018, section 148E.055, is amended by adding a subdivision to read:

Subd. 8a. **Void application.** An application that is not completed and signed, or that is not accompanied by the correct fee, is void and the board must return it to the applicant, along with any fee submitted.

Sec. 26. Minnesota Statutes 2018, section 148E.055, is amended by adding a subdivision to read:

Subd. 8b. **Investigation.** By applying for licensure, an applicant authorizes the board to investigate and request additional information to verify completion of all license qualifications.

Sec. 27. Minnesota Statutes 2018, section 148E.055, is amended by adding a subdivision to read:

Subd. 8c. **Application time limit.** (a) Within one year of the date that the board receives an application for licensure under this section, the applicant must meet all the requirements

for licensure and provide all of the information that the board has requested, or the application must be closed.

(b) If an applicant graduated from a program in candidacy status with the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body that the board designates, the applicant must meet all of the requirements for licensure and provide all of the information requested within one year of the date that the board receives an application for licensure under this section or within 30 days of the date the program is approved or denied accreditation, whichever is later, or the application must be closed.

Sec. 28. Minnesota Statutes 2018, section 148E.055, subdivision 9, is amended to read:

Subd. 9. **Effective date.** ~~The~~ An initial license is effective ~~date of an initial license is~~ on the day ~~on which~~ that the board receives the applicable license fee from an applicant approved for licensure.

Sec. 29. Minnesota Statutes 2018, section 148E.055, subdivision 10, is amended to read:

Subd. 10. **Expiration date.** ~~The expiration date of an initial license is~~ An initial license expires on the last day of the licensee's birth month in the second calendar year following the effective date of the initial license.

Sec. 30. Minnesota Statutes 2018, section 148E.055, subdivision 11, is amended to read:

Subd. 11. **Change in license.** (a) A licensee who changes from a licensed social worker to a licensed graduate social worker, or from a licensed graduate social worker to a licensed independent social worker, or from a licensed graduate social worker or licensed independent social worker to a licensed independent clinical social worker, must pay the prorated share of the fee for the new license.

(b) The ~~effective date of the~~ new license is effective on the day ~~on which~~ that the board receives the applicable license fee from an applicant approved for the new license.

(c) The ~~expiration date of the~~ new license ~~is~~ expires on the same expiration date as ~~the expiration date of~~ the license previously held by the licensee prior to the change in the license.

Sec. 31. Minnesota Statutes 2018, section 148E.060, subdivision 1, is amended to read:

Subdivision 1. **Students ~~and other~~ or persons not currently licensed in another jurisdiction.** (a) ~~The board may issue~~ To be issued a temporary license to practice social work ~~to~~, an applicant who is a student as defined in section 148E.010 or a person not licensed or credentialed to practice social work in any jurisdiction ~~but has~~ must provide evidence satisfactory to the board that the applicant:

(1) ~~applied~~ has submitted a current application for a license under section 148E.055;

~~(2) applied for a temporary license on a form provided by the board;~~

~~(3) submitted a form provided by the board authorizing the board to complete a criminal background check;~~

(2) has submitted the required fees and documentation for the criminal background check according to section 214.075;

~~(4)~~ (3) has passed the applicable licensure examination ~~provided for~~ required in section 148E.055;

(4) has completed all requirements for a baccalaureate or graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body that the board designates, or a doctorate in social work from an accredited university, including all coursework and internships required to obtain the degree;

~~(5) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body designated by the board, or a doctorate in social work from an accredited university; and~~

(5) has submitted a completed, signed temporary license application form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(6) has paid the fee specified in section 148E.180; and

~~(6)~~ (7) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) A temporary license is effective on the day that the board receives the application and fee or on the date that all requirements are complete as specified in this subdivision, whichever date is later.

~~(b)~~ (c) A temporary license issued under this subdivision expires ~~after~~ on the last day of the month six months from the effective date or when a license is issued under section 148E.055, whichever date is earlier. A temporary license is nonrenewable.

(d) In all professional use of the social worker's name, an individual with a baccalaureate or graduate temporary license must represent themselves as a temporary license baccalaureate social worker or temporary license graduate social worker. An individual with a baccalaureate or graduate temporary license must not use the credentials LSW, LGSW, LISW, or LICSW until the individual is issued a license under section 148E.055.

(e) An individual issued a baccalaureate temporary license under this subdivision is authorized to practice social work as described in section 148E.050, subdivision 2. An individual issued a graduate temporary license under this subdivision is authorized to practice social work as described in section 148E.050, subdivision 3.

(f) An individual issued a temporary license under this subdivision must obtain supervision in compliance with sections 148E.100 to 148E.125. Supervised practice obtained with a temporary license applies to the supervised practice requirements for a license issued under section 148E.055.

(g) An individual issued a temporary license under this subdivision may complete continuing education in compliance with the requirements of section 148E.130. Continuing education obtained with a temporary license may be applied to the continuing education requirements of a license issued under section 148E.055.

Sec. 32. Minnesota Statutes 2018, section 148E.060, subdivision 2, is amended to read:

Subd. 2. **~~Emergency situations and~~ Persons currently licensed in another jurisdiction.** (a) ~~The board may issue~~ To be issued a temporary license to practice social work ~~to~~, an applicant who is licensed or credentialed to practice social work in another jurisdiction~~, may or may not have applied for a license under section 148E.055, and has~~ must provide evidence satisfactory to the board that the applicant:

(1) ~~applied for a temporary license on a form provided by the board~~ holds an active license or credential to practice social work in another jurisdiction;

(2) ~~submitted a form provided by the board authorizing the board to complete a criminal background check~~ has completed the criminal background check according to section 214.075 and submitted the required fees;

(3) ~~submitted evidence satisfactory to the board that the applicant is currently licensed or credentialed to practice social work in another jurisdiction~~ has submitted a completed, signed temporary license application form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(4) ~~attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body designated by the board, or a doctorate in social work from an accredited university~~ has paid the fee specified in section 148E.180; and

(5) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) A temporary license ~~issued under this subdivision expires after six months~~ is effective on the day that the board receives the application and fee or on the date that all requirements are complete as specified in this subdivision, whichever date is later.

(c) A temporary license issued under this subdivision expires on the last day of the month six months from the effective date or when a license is issued under section 148E.055, whichever date is earlier. A temporary license in nonrenewable.

(d) The board may not issue a temporary license to an individual more than one time in a 12-month period under this subdivision.

(e) In all professional use of the social worker's name, an individual with a baccalaureate or graduate temporary license must represent themselves as a Temporary License Baccalaureate Social Worker or Temporary License Graduate Social Worker. An individual with a baccalaureate or graduate temporary license must not use the credentials LSW, LGSW, LISW, or LICSW until the individual is issued a license under section 148E.055.

(f) An individual issued a baccalaureate temporary license under this subdivision is authorized to practice social work as described in section 148E.050, subdivision 2. An individual issued a graduate temporary license under this subdivision is authorized to practice social work as described in section 148E.050, subdivision 3, 4, or 5, consistent with the individual's license or credential in the other jurisdiction.

Sec. 33. Minnesota Statutes 2018, section 148E.060, subdivision 2a, is amended to read:

Subd. 2a. **Applicants graduating from programs in candidacy status.** (a) ~~The board may issue~~ To be issued a temporary license to practice social work ~~to~~, an applicant who ~~has completed the requirements for a baccalaureate or graduate degree in social work from~~ is a student as defined in section 148E.010 or a graduate from a program in candidacy status with the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body ~~designated by the board, and has~~ that the board designates, must provide evidence satisfactory to the board that the applicant:

(1) ~~applied~~ has a current application for a license under section 148E.055;

(2) ~~applied for a temporary license on a form provided by the board~~ has submitted the required fees and documentation for the criminal background check according to section 214.075;

~~(3) submitted a form provided by the board authorizing the board to complete a criminal background check;~~

~~(4)~~ (3) has passed the applicable licensure examination ~~provided for~~ required in section 148E.055; ~~and~~

(4) has completed all requirements for a baccalaureate, graduate, or doctoral degree in social work from a program in candidacy status with the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body that the board designates, including all coursework and internships required to obtain the degree;

(5) has submitted a completed, signed temporary license application form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(6) has paid the fee specified in section 148E.180; and

~~(5)~~ (7) has not engaged in conduct that is in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that is in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) A temporary license is effective on the day that the board receives the application and fee or on the date that all requirements are complete as specified in this subdivision, whichever date is later.

(c) A temporary license issued under this subdivision expires on the last day of the month 12 months from the license's effective date or when a license is issued under section 148E.055, whichever date is earlier. A temporary license is nonrenewable.

~~(b)~~ (d) A temporary license issued under this subdivision ~~expires after 12 months but~~ may be extended ~~at the board's discretion~~ upon a showing that the social work program remains in ~~good standing~~ candidacy status with the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body ~~designated by the board~~ that the board designates.

(e) In all professional use of the social worker's name, an individual with a baccalaureate or graduate temporary license must represent themselves as a Temporary License Baccalaureate Social Worker or Temporary License Graduate Social Worker. An individual with a baccalaureate or graduate temporary license must not use the credentials LSW, LGSW, LISW, or LICSW until the individual has a license under section 148E.055.

(f) An individual who has a baccalaureate temporary license under this subdivision is authorized to practice social work as described in section 148E.050, subdivision 2. An individual who has a graduate temporary license under this subdivision is authorized to practice social work as described in section 148E.050, subdivision 3.

(g) An individual issued a temporary license under this subdivision must obtain supervision in compliance with sections 148E.100 to 148E.125. Supervised practice obtained with a temporary license applies to the supervised practice requirements for a license issued under section 148E.055.

(h) An individual who has a temporary license under this subdivision may complete continuing education in compliance with the requirements of section 148E.130. An individual who earns continuing education hours with a temporary license may apply those continuing education hours to the continuing education requirements of a license under section 148E.055.

(i) If ~~the board receives notice from~~ the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accrediting body ~~designated by the board that the social work program is not in good standing, or that the accreditation will not be granted to the social work program~~ that the board designates does not grant accreditation to the program in candidacy status, the board must immediately revoke the temporary license ~~is immediately revoked~~.

Sec. 34. Minnesota Statutes 2018, section 148E.070, subdivision 2, is amended to read:

Subd. 2. **~~Mailing~~ License renewal notices.** The board must ~~mail~~ send a notice for license renewal to a licensee at least 45 days before the expiration date of the license. ~~Mailing the notice by United States mail~~ The board may send the renewal notice to the licensee's last known mailing address ~~constitutes valid mailing~~ or electronically. Failure to receive the renewal notice does not relieve a licensee of the obligation to renew a license and to pay the renewal fee.

Sec. 35. Minnesota Statutes 2018, section 148E.070, subdivision 3, is amended to read:

Subd. 3. **Submitting license renewal applications.** (a) In order to renew a license, a licensee must submit:

(1) a completed, signed application for license renewal; and

(2) the applicable renewal fee specified in section 148E.180.

The board must receive the completed, signed application and renewal fee ~~must be received by the board~~ prior to midnight ~~of~~ on the day of the license expiration date. For electronic renewals ~~submitted electronically~~, a "signed application" means providing an attestation ~~as~~ that the board has specified ~~by the board~~.

(b) An application ~~which is~~ that the applicant has not completed and signed, or ~~which~~ that is not accompanied by the correct fee, ~~must be returned to the applicant, along with any fee submitted, and~~ is void. The board must return the incomplete application and any fee to the applicant.

(c) The completed, signed application must include documentation that the licensee has met the continuing education requirements specified in sections 148E.130 to ~~148E.170~~ 148E.145 and, if applicable, the supervised practice requirements specified in sections 148E.100 to 148E.125.

(d) By submitting a renewal application, an applicant authorizes the board to:

(1) investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation;

(2) conduct an audit to determine if the applicant has met the continuing education requirements specified in sections 148E.130 to ~~148E.170~~ 148E.145; and

(3) if applicable, conduct an audit to determine whether the applicant has met the supervision requirements specified in sections 148E.100 to 148E.125.

~~(e) If a licensee's application for license renewal meets the requirements specified in paragraph (a), the licensee may continue to practice after the license expiration date until the board approves or denies the application.~~

Sec. 36. Minnesota Statutes 2018, section 148E.070, subdivision 5, is amended to read:

Subd. 5. **Expired license.** (a) ~~If an application does not meet the requirements specified in subdivisions 3 and 4, the license automatically expires.~~ A licensee whose license has expired may ~~reactivate~~ restore a license to active status by meeting the requirements in section 148E.080 or may be relicensed by meeting the requirements specified in section 148E.055.

(b) The board may take action according to sections 148E.255 to 148E.270 based on a licensee's conduct before the expiration of the license.

(c) An expired license may be reactivated within one year of the expiration date specified in section 148E.080. After one year of the expiration date, an individual may apply for a new license according to section 148E.055.

Sec. 37. **[148E.0751] TEMPORARY LEAVE LICENSE STATUS.**

Subdivision 1. **Temporary leave.** (a) At the time of license renewal, a licensee may apply for temporary leave license status by:

(1) submitting a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(2) paying the fee specified in section 148E.180; and

(3) demonstrating to the satisfaction of the board that the licensee is not engaged in the practice of social work as defined in section 148E.010, subdivisions 6 and 11, in any setting, including settings in which social workers are exempt from licensure according to section 148E.065.

(b) By submitting an application for temporary leave license status, an applicant authorizes the board to:

(1) investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation;

(2) determine if the applicant has met the continuing education requirements specified in sections 148E.130 to 148E.145; and

(3) determine whether the applicant has met the supervision requirements specified in sections 148E.100 to 148E.125.

(c) An application that the applicant has not completed and signed, or that is not accompanied by the correct fee, is void. The board must return the application to the applicant, along with any fee.

Subd. 2. **Four-year time limit.** (a) A temporary leave license status may not exceed four consecutive years. If a licensee fails to restore the license to active status according to section 148E.080, the license automatically expires at the end of the four-year term.

(b) The board must send a notice to a licensee at least 45 days before the expiration date of the temporary leave license status. The board may send the renewal notice to the licensee's last known mailing address or electronically.

Subd. 3. **Return to active license status.** A licensee with temporary leave license status may restore their license to active license status according to section 148E.080, including documenting required continuing education hours.

Subd. 4. **Prohibition on practice and representation.** A licensee who has temporary leave license status: (1) must not practice, attempt to practice, offer to practice, or advertise or hold out as being authorized to practice social work; and (2) must include "temporary leave" in any use of the license credential LSW, LGSW, LISW, or LICSW.

Subd. 5. **Disciplinary or other action.** The board may resolve any pending complaints against a licensee before approving an application for temporary leave license status specified in this section. The board may take action according to sections 148E.255 to 148E.290 against a licensee who has temporary leave license status specified in this section based on conduct occurring before the temporary leave license status or conduct occurring while the license is in temporary leave license status.

Sec. 38. **[148E.0752] EMERITUS INACTIVE LICENSE STATUS.**

Subdivision 1. **Emeritus inactive license.** (a) At the time of license renewal, a licensee may apply for emeritus inactive license status by:

(1) submitting a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that board has specified;

(2) paying the fee specified in section 148E.180; and

(3) demonstrating to the satisfaction of the board that the licensee is retired from social work practice as defined in section 148E.010, subdivisions 6 and 11, and will not engage in the practice of social work in any setting, including settings in which social workers are exempt from licensure according to section 148E.065.

(b) By submitting an application for emeritus inactive license status, an applicant authorizes the board to:

(1) investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation;

(2) determine if the applicant has met the continuing education requirements specified in sections 148E.130 to 148E.145; and

(3) determine whether the applicant has met the supervision requirements specified in sections 148E.100 to 148E.125.

(c) An application that the applicant has not completed and signed, or that is not accompanied by the correct fee, is void. The board must return the application to the applicant, along with any fee.

Subd. 2. **Return to active license status.** (a) A licensee with emeritus inactive license status may restore their license status to active license status during the first four years of the emeritus inactive status according to section 148E.080, including documenting required continuing education hours.

(b) A licensee in emeritus inactive status is not eligible to restore their license to active status after four years. The licensee may reapply for a license according to section 148E.055.

Subd. 3. **Prohibition on practice and representation.** A licensee who has emeritus inactive license status: (1) must not practice, attempt to practice, offer to practice, or advertise or hold out as being authorized to practice social work; and (2) must include "emeritus inactive" in any use of the license credential LSW, LGSW, LISW, or LICSW.

Subd. 4. **Disciplinary or other action.** The board may resolve any pending complaints against a licensee before approving an application for emeritus inactive license status specified in this section. The board may take action according to sections 148E.255 to 148E.290 against a licensee who has emeritus inactive license status specified in this section based on conduct occurring before the emeritus inactive license status or conduct occurring while the license is in emeritus inactive status.

Sec. 39. **[148E.0753] EMERITUS ACTIVE LICENSE STATUS.**

Subdivision 1. **Emeritus active license.** (a) At the time of license renewal, a licensee may apply for emeritus active license status by:

(1) submitting a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified;

(2) paying the fee specified in section 148E.180; and

(3) demonstrating to the satisfaction of the board that the licensee is retired from social work practice as defined in section 148E.010, subdivisions 6 and 11, other than the limited practice allowed in subdivision 2.

(b) By submitting an application for emeritus active license status, an applicant authorizes the board to:

(1) investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation;

(2) determine if the applicant has met the continuing education requirements specified in sections 148E.130 to 148E.145; and

(3) determine whether the applicant has met the supervision requirements specified in sections 148E.100 to 148E.125.

(c) An application that the applicant has not completed and signed, or that is not accompanied by the correct fee, is void. The board must return the application to the applicant, along with any fee.

Subd. 2. **Limitation on practice and representation.** (a) A licensee who has emeritus active license status is only authorized to engage in:

(1) pro bono or unpaid social work practice as specified in section 148E.010, subdivisions 6 and 11; or

(2) paid social work practice not to exceed 500 clock hours per calendar year for the exclusive purpose of:

(i) providing licensing supervision as specified in sections 148E.100 to 148E.125;

(ii) providing consultation to licensees as specified in section 148E.200, subdivision 2; or

(iii) presenting continuing education activities as specified in section 148E.130, subdivision 9.

(b) In all professional use of the social worker's name, a licensee must include "emeritus active" in all use of their LSW, LGSW, LISW, or LICSW license credential.

Subd. 3. **Renewal.** (a) An applicant who has emeritus active license status may renew their license according to the requirements specified in section 148E.070 and must pay one-half of the renewal fee specified in section 148E.180, subdivision 3.

(b) Failure to renew an emeritus active license status will result in an expired license as specified in section 148E.070.

(c) At the time of license renewal, a licensee must provide evidence satisfactory to the board that the licensee has, during the renewal term, completed one-half of the clock hours of continuing education as specified in section 148E.130, including at least two clock hours in social work ethics.

Subd. 4. **Return to active license status.** An applicant may restore a license in emeritus active status to active license status according to section 148E.080.

Subd. 5. **Disciplinary or other action.** The board may resolve any pending complaints against a licensee before approving an application for emeritus active license status specified in this section. The board may take action according to sections 148E.255 to 148E.290 against a licensee who has emeritus active license status specified in this section based on conduct occurring before the emeritus active license status or conduct occurring while the license is in emeritus active license status.

Sec. 40. Minnesota Statutes 2018, section 148E.080, is amended to read:

148E.080 REACTIVATIONS.

~~Subdivision 1. **Mailing notices to licensees on temporary leave.** The board must mail a notice for reactivation to a licensee on temporary leave at least 45 days before the expiration date of the license according to section 148E.075, subdivision 1. Mailing the notice by United States mail to the licensee's last known mailing address constitutes valid mailing. Failure to receive the reactivation notice does not relieve a licensee of the obligation to comply with the provisions of this section to reactivate a license.~~

Subd. 1a. **Reactivation from temporary leave license status.** To restore a license from temporary leave license status to active status, a licensee must do the following within the time period specified in section 148E.0751, subdivision 2:

(1) submit a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified. An application that the applicant has not completed and signed is void. The board must return the application and any fee to the applicant;

(2) document compliance with the continuing education requirements specified in subdivision 4; and

(3) pay the reactivation fee specified in section 148E.180.

Subd. 2. **Reactivation from ~~a temporary leave or~~ emeritus inactive license status.** To ~~reactivate~~ restore a license from ~~a temporary leave or~~ emeritus inactive license status to active status, a licensee must do the following within the time period specified in section 148E.075~~, subdivisions 1, 1a, and 1b~~ 148E.0752, subdivision 2:

(1) ~~complete an application form specified by the board~~ submit a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified. An application that the applicant has not completed and signed is void. The board must return the application and any fee to the applicant;

(2) document compliance with the continuing education requirements specified in subdivision 4; and

~~(3) submit a supervision plan, if required;~~

~~(4)~~ (3) pay the reactivation ~~of a license~~ fee specified in section 148E.180~~; and~~.

~~(5) pay the wall certificate fee according to section 148E.095, subdivision 1, paragraph (b) or (c), if the licensee needs a duplicate license.~~

Subd. 3. **Reactivation of an expired license.** To ~~reactivate~~ restore an expired license to active status, a licensee must do the following within one year of the expiration date:

(1) ~~complete an application form specified by the board~~ submit a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified. An application that the applicant has not completed and signed is void. The board must return the application and any fee to the applicant;

(2) document compliance with the continuing education requirements that were in effect at the time that the license expired; and

~~(3) document compliance with the supervision requirements, if applicable, that were in effect at the time the license expired; and~~

~~(4)~~ (3) pay the reactivation ~~of an expired license~~ fee specified in section 148E.180.

Subd. 4. **Continuing education requirements.** (a) At the time of reactivation, a licensee who is on temporary leave license status or who ~~has an~~ is on emeritus inactive license status must document compliance with the following continuing education requirements:

(1) obtain ~~the~~ at least two continuing education hours ~~that would be required if the license was active. At the time of reactivation, the licensee must document compliance with the continuing education requirements specified in sections 148E.130 to 148E.170~~. in social work ethics; and

(2) complete the board's jurisprudence exam.

(b) A licensee applying for reactivation according to ~~subdivision 2 or 3~~ this section may apply for ~~a variance~~ an extension to the continuing education requirements according to ~~sections~~ section 148E.130 ~~to 148E.170~~, subdivision 10.

Subd. 5. **Reactivation of a voluntarily terminated license.** To ~~reactivate~~ restore a voluntarily terminated license to active status, a licensee must do the following within one year of the date that the voluntary termination takes effect:

(1) ~~complete an application form specified by the board~~ submit a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified. An application that the applicant has not completed and signed is void. The board must return the application and any fee to the applicant;

(2) document compliance with the continuing education requirements that were in effect at the time that the license was voluntarily terminated; and

~~(3) document compliance with the supervision requirements, if applicable, that were in effect at the time the license was voluntarily terminated; and~~

~~(4)~~ (3) pay the reactivation ~~of an expired or voluntarily terminated license~~ fee specified in section 148E.180.

Subd. 6. **Reactivation from emeritus active status.** To restore a license from emeritus active license status to active status, a licensee must do the following while the license remains in emeritus active license status:

(1) submit a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified. An application that is not completed and signed is void. The board must return the application and any fee to the applicant; and

(2) pay the reactivation fee specified in section 148E.180.

Sec. 41. Minnesota Statutes 2018, section 148E.085, is amended to read:

148E.085 VOLUNTARY ~~TERMINATIONS~~ TERMINATION LICENSE STATUS.

Subdivision 1. **~~Requests for~~ Voluntary termination.** (a) A licensee may ~~request~~ apply for voluntary termination of a license if the licensee ~~demonstrates~~:

(1) submits a completed, signed application on a form that the board has provided. For electronic applications, a "signed application" means providing an attestation that the board has specified. An application that the applicant has not completed and signed is void. The board must return the application to the applicant. No fee is required to voluntarily terminate a license; and

(2) demonstrates to the satisfaction of the board that the licensee is not engaged in the practice of social work as defined in section 148E.010, subdivisions 6 and 11, in any setting except ~~settings in which social workers are~~ when the individual is exempt from licensure according to section 148E.065.

~~(b) A licensee may apply for voluntary termination:~~

~~(1) at any time by submitting an application; or~~

~~(2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal and submitting the completed, signed application to the board.~~

~~For applications submitted electronically, a "signed application" means providing an attestation as specified by the board. An application that is not completed and signed must be returned to the applicant and is void.~~

~~(c) The board may resolve any pending complaints against a licensee before approving a request for voluntary termination.~~

(b) By submitting an application for voluntary termination, an applicant authorizes the board to:

(1) investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation;

(2) determine if the applicant has met the continuing education requirements specified in section 148E.130; and

(3) determine whether the applicant has met the supervision requirements specified in sections 148E.100 to 148E.125.

Subd. 2. ~~**Application for new licensure**~~ **Return to active license status.** A licensee who has voluntarily terminated a license: (1) may ~~not reactivate~~ restore the license ~~after one year following the date the voluntary termination takes effect. However, a licensee who has voluntarily terminated a license~~ according to section 148E.080; or (2) may ~~apply~~ reapply for a ~~new~~ license according to section 148E.055.

Subd. 3. **Prohibition on practice and representation.** A licensee who has voluntarily terminated a license: (1) must not use the credentials LSW, LGSW, LISW, or LICSW; and (2) must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work, except when the individual is exempt from licensure according to section 148E.065.

Subd. 4. **Disciplinary or other action.** The board may resolve any pending complaints against a licensee before approving a request for voluntary termination. The board may take action according to sections 148E.255 to ~~148E.270~~ 148E.290 against a licensee ~~whose~~ who

voluntarily terminated their license ~~has been terminated~~ based on conduct occurring before the license ~~is~~ was voluntarily terminated ~~or for practicing social work without a license~~.

Sec. 42. Minnesota Statutes 2018, section 148E.095, subdivision 1, is amended to read:

Subdivision 1. **License wall certificate.** (a) The board must issue a new license wall certificate when the board issues a new license. No fee in addition to the applicable license fee specified in section 148E.180 is required.

(b) ~~The board must replace a license wall certificate when~~ To request a duplicate license wall certificate, the licensee must:

(1) ~~a licensee submits an affidavit to the board that the original license wall certificate was lost, stolen, or destroyed~~ submit a request for another license wall certificate in writing; and

(2) ~~the licensee submits~~ submit the license wall certificate fee specified in section 148E.180.

~~(c) The board must issue a revised license wall certificate when:~~

~~(1) a licensee requests a revised license wall certificate according to this section; and~~

~~(2) a licensee submits the license wall certificate fee specified in section 148E.180.~~

~~(d) The board must issue an additional license wall certificate when:~~

~~(1) a licensee submits a written request for a new certificate because the licensee practices in more than one location; and~~

~~(2) the licensee submits the license wall certificate fee specified in section 148E.180.~~

Sec. 43. Minnesota Statutes 2018, section 148E.130, subdivision 1, is amended to read:

Subdivision 1. **Total clock hours required.** (a) A licensee must complete 40 hours of continuing education for each two-year renewal term. At the time of license renewal, a licensee must provide evidence satisfactory to the board that the licensee has~~, during the renewal term, completed at least 40 clock hours of~~ completed the required continuing education hours during the previous renewal term. Of the total clock hours required:

(1) all licensees must complete two hours in social work ethics as defined in section 148E.010;

(2) licensed independent clinical social workers must complete 12 clock hours in one or more of the clinical content areas specified in section 148E.055, subdivision 5, paragraph (a), clause (2);

(3) licensees providing licensing supervision according to sections 148E.100 to 148E.125, must complete six clock hours in supervision as defined in section 148E.010; and

(4) no more than half of the required clock hours may be completed via continuing education independent learning as defined in section 148E.010.

(b) If the licensee's renewal term is prorated to be less or more than 24 months, the total number of required clock hours is prorated proportionately.

Sec. 44. Minnesota Statutes 2018, section 148E.130, is amended by adding a subdivision to read:

Subd. 8. **Acceptable content.** The continuing education must:

(1) promote the standards of practice described in sections 148E.195 to 148E.240; and

(2) contribute to the practice of social work as defined in section 148E.010.

Sec. 45. Minnesota Statutes 2018, section 148E.130, is amended by adding a subdivision to read:

Subd. 9. **Acceptable continuing education activities.** (a) A continuing education activity must be one of the following:

(1) academic coursework at an institution of higher learning. One credit of coursework in a semester-based academic institution is the equivalent of 15 clock hours;

(2) educational workshops, seminars, conferences, or live webinars;

(3) staff training from an employer; or

(4) continuing education independent learning as defined in section 148E.010.

(b) A continuing education activity automatically meets the requirements of this section if the licensee completes it through:

(1) a board-approved continuing education provider;

(2) a continuing education provider or program approved by the Association of Social Work Boards or a similar examination body that the board has designated; or

(3) a continuing education program approved by the National Association of Social Workers.

(c) The board does not require providers and programs to be preapproved, but the continuing education activity must meet the requirements specified in this section.

Sec. 46. Minnesota Statutes 2018, section 148E.130, is amended by adding a subdivision to read:

Subd. 10. **Extension.** At the time of renewal, the board may grant a onetime extension to complete the required clock hours when a licensee is unable to comply with this section.

Sec. 47. Minnesota Statutes 2018, section 148E.130, is amended by adding a subdivision to read:

Subd. 11. **Records retention; licensees.** For one year following the expiration date of a license, the licensee must maintain documentation of clock hours earned during the previous renewal term. The documentation must include the following:

(1) for educational workshops, seminars, conferences, or live webinars, documentation of attendance issued by the presenter or sponsor must include the:

(i) name of the sponsor;

(ii) title and date of the activity;

(iii) number of clock hours; and

(iv) names of the presenters;

(2) for academic coursework at an institution of higher learning, a transcript must include the:

(i) name of the institution;

(ii) title of the course;

(iii) dates of the course; and

(iv) number of credits completed or audited;

(3) for an employer's staff training, an employer's documentation of attendance must include the:

(i) name of the employer;

(ii) title of the training;

(iii) date of the training; and

(iv) number of clock hours completed; and

(4) for continuing education independent learning, a written summary of the activity conducted must include the:

(i) topics covered;

(ii) applicability of the activity to the licensee's social work practice;

(iii) titles and authors or presenters of materials reviewed;

(iv) dates the licensee conducted the activity; and

(v) number of clock hours completed.

Sec. 48. Minnesota Statutes 2018, section 148E.130, is amended by adding a subdivision to read:

Subd. 12. **Audits.** (a) The board may audit licensees at the time of license renewal or reactivation to determine the licensee's compliance with the requirements of this section.

(b) When the board audits a licensee, the licensee must provide the documentation specified in subdivision 11.

Sec. 49. Minnesota Statutes 2018, section 148E.145, is amended to read:

148E.145 CONTINUING EDUCATION PROVIDERS ~~APPROVED BY BOARD~~.

Subdivision 1. **Board approval.** (a) ~~The board must approve a continuing education provider who~~ For the board to approve a continuing education provider, the provider must:

(1) ~~submits~~ submit a completed application ~~to the board which provides the information required by subdivision 2 and which meets the criteria specified in subdivision 3; and~~ form that the board has provided;

(2) agree to comply with the requirements of this section;

(3) submit a signed statement that indicates that the provider agrees to provide documentation of attendance that meets the requirements of section 148E.130, subdivision 11, to each participant in the provider's program; and

~~(2) pays~~ (4) pay the continuing education provider fee specified in section 148E.180.

(b) An approval is valid for ~~programs offered no later than~~ one year from the date that the board receives the application ~~is approved by the board~~ and fee.

(c) During the one-year period, an approved provider may provide no more than the number of clock hours for which the provider has applied as specified in section 148E.180, subdivision 4. If the provider wishes to offer additional clock hours during the one-year period, the provider must submit another application and fee to the board.

~~Subd. 2. **Information required.** The information that must be provided to the board includes, but is not limited to, the following:~~

~~(1) the name of the continuing education provider;~~

~~(2) the address, telephone number, and e-mail address of a contact person for the provider;~~

~~(3) a signed statement that indicates the provider understands and agrees to abide by the criteria specified in subdivision 3; and~~

~~(4) a signed statement that indicates the provider agrees to furnish a certificate of attendance to each participant in a program offered by the provider.~~

Subd. 3. **~~Criteria for programs~~ Continuing education activity requirements.** (a) ~~A continuing education provider must employ the following criteria in determining whether to offer a continuing education program~~ An approved provider must ensure that all continuing education activities:

(1) ~~whether the material to be presented will~~ promote the standards of practice described in sections 148E.195 to 148E.240;

(2) ~~whether the material to be presented will~~ contribute to the practice of social work as defined in section 148E.010; and

(3) ~~whether the material to be presented is intended for the benefit of practicing social workers; and~~ are presented by individuals with expertise in the material or content.

~~(4) whether the persons presenting the program are qualified in the subject matter being presented.~~

(b) ~~The material presented must not be primarily procedural or primarily oriented towards business practices or self-development.~~ An approved provider must provide documentation of completion to each participant that includes the information required by section 148E.130, subdivision 11.

~~Subd. 4.~~ **~~Audits.~~** ~~(a) The board may audit programs offered by a continuing education provider approved by the board to determine compliance with the requirements of this section.~~

~~(b) A continuing education provider audited by the board must provide the documentation specified in subdivision 5.~~

Subd. 5. **Records retention; ~~continuing education providers.~~** An approved provider must maintain the following information for three years following the end of each program ~~offered by a continuing education provider, the provider must maintain the following information~~ activity:

(1) the program's title ~~of the program~~;

(2) a description of the program's content and objectives ~~of the program~~;

(3) the program's date ~~of the program~~;

(4) the program's number of clock hours ~~credited for participation in the program~~;

(5) ~~the program location~~ whether the activity was presented as a live interactive activity or continuing education independent learning;

(6) the names and qualifications of the ~~primary~~ program's presenters; and

~~(7) a description of the primary audience the program was designed for; and~~

~~(8)~~ (7) a list of the ~~participants in the program~~ program's attendees.

Subd. 6. **Audits.** (a) The board may audit an approved provider to determine compliance with the requirements of this section.

(b) An approved provider audited by the board must provide the documentation specified in subdivision 5.

Subd. 7. **Revocation.** The board may revoke approval of an approved provider if the board determines the provider failed to meet the requirements of this section.

Sec. 50. **REPEALER.**

Minnesota Statutes 2018, sections 148E.045; 148E.055, subdivisions 7 and 8; 148E.060, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13; 148E.075, subdivisions 1, 1a, 1b, 2, 3, and 8; 148E.095, subdivision 2; 148E.130, subdivisions 2, 3, 4, 5, 6, and 7; 148E.135; 148E.140; 148E.150; 148E.155; 148E.160; 148E.165; and 148E.170, are repealed.

ARTICLE 4
BOARD OF DENTISTRY

Section 1. Minnesota Statutes 2018, section 150A.06, subdivision 6, is amended to read:

Subd. 6. **Display of name and certificates.** (a) The ~~initial license and subsequent~~ renewal certificate of every dentist, dental therapist, dental hygienist, or dental assistant ~~shall~~ must be conspicuously displayed in plain sight of patients in every office in which that person practices~~, in plain sight of patients. When available from the board, the board shall allow the display of a wallet-sized initial license and wallet-sized subsequent renewal certificate only at nonprimary practice locations instead of displaying an original-sized initial license and subsequent renewal certificate~~. Duplicate renewal certificates may be obtained from the board.

(b) Near or on the entrance door to every office where dentistry is practiced, the name of each dentist practicing there, as inscribed on the current license certificate, ~~shall~~ must be displayed in plain sight.

(c) The board must allow the display of a mini-license for guest license holders performing volunteer dental services. There is no fee for the mini-license for guest volunteers.

ARTICLE 5
REEMPLOYING RETIRED MEMBERS OF PERA AND MSRS

Section 1. **PERMITTING PAYMENT OF RETIREMENT ANNUITY DURING PERIOD OF EMPLOYMENT AS A HEALTH CARE WORKER DURING A PEACETIME EMERGENCY.**

Subdivision 1. **Definitions.** For purposes of this section:

(1) "health care worker" means a person, whether licensed or unlicensed, employed by a public employer during a peacetime emergency to provide health care, health-care-related services, or long-term care;

(2) "peacetime emergency" means any peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19;

(3) "public employer" means any political subdivision or executive branch agency of the state, including any county, municipality, and Hennepin Healthcare System, Inc.; and

(4) "reemployment year" means the 12-month period that a person is covered by a phased retirement agreement under Minnesota Statutes, section 353.371, or in a postretirement option position under Minnesota Statutes, section 43A.346.

Subd. 2. **Health care workers to continue receiving retirement annuities.** (a) Notwithstanding any law to the contrary, a person is entitled to continue to receive a retirement annuity if the person:

(1) is receiving a retirement annuity and has not been employed in public service for at least 30 days or has been retired for at least 30 days and is about to begin receiving a retirement annuity from any of the pension plans administered by the Public Employees Retirement Association or from any of the pension plans administered by the Minnesota State Retirement System; and

(2) is hired or rehired by a public employer as a health care worker on or after the effective date of a declaration of a peacetime emergency.

(b) A person described in paragraph (a) is not subject to the provisions of Minnesota Statutes, section 352.115, subdivision 10, or 353.37, and the monthly amount of the person's retirement annuity shall not change as a result of employment during a peacetime emergency, notwithstanding the additional hours and percentage of time worked by the person.

(c) Notwithstanding any law to the contrary, a public employer may hire or rehire a person under this subdivision without either the public employer or the person having to enter into or comply with the requirements of Minnesota Statutes, section 43A.346 or 353.371.

Subd. 3. **No limitation on hours or percentage of time worked under a postretirement option.** (a) A health care worker who entered into a phased retirement agreement under Minnesota Statutes, section 353.371, before the effective date of this section, or has been employed in a postretirement option position under Minnesota Statutes, section 43A.346, since before the effective date of this section, shall not be subject to any limitation on the number of hours or percentage of time worked imposed by Minnesota Statutes, section 43A.346 or 353.371, as applicable, during any reemployment year that includes the date on which this section expires.

(b) Upon the expiration of a peacetime emergency, the health care worker shall continue to be covered by the phased retirement agreement or continue employment in the postretirement option position, as applicable, if the health care worker elects to continue employment, except that the limitation on the number of hours or percentage of time worked shall not apply until the reemployment year that begins after the reemployment year that includes the date on which this section expires.

(c) The period of employment during a peacetime emergency shall be added to and shall extend the period of employment governed by the phased retirement agreement under Minnesota Statutes, section 353.371, subdivision 4, or in a postretirement option position under Minnesota Statutes, section 43A.346, subdivision 6, as applicable.

(d) The requirements of Minnesota Statutes, sections 43A.346 and 353.371, prohibiting the crediting of additional service toward the health care worker's annuity and prohibiting the making of employee or employer contributions during employment covered by a phased retirement agreement or in a postretirement option position, as applicable, shall apply during a peacetime emergency. The monthly amount of the health care worker's retirement annuity shall not change as a result of employment during a peacetime emergency, notwithstanding any increase in the hours and percentage of time worked by the health care worker.

(e) Nothing in this section shall be considered as terminating (1) a phased retirement agreement under Minnesota Statutes, section 353.371, or (2) the employment of a health care worker in a postretirement option position under Minnesota Statutes, section 43A.346.

Subd. 4. **Expiration date.** This section expires on December 31 of the year in which the peacetime emergency expires or is terminated or rescinded by proper authority.

EFFECTIVE DATE. This section is effective the day following final enactment.

APPENDIX

Repealed Minnesota Statutes: S2939-1

148.6402 DEFINITIONS.

Subd. 10. **Direct supervision.** "Direct supervision" of an occupational therapy assistant using physical agent modalities means that the occupational therapist has evaluated the patient and determined a need for use of a particular physical agent modality in the occupational therapy treatment plan, has determined the appropriate physical agent modality application procedure, and is available for in-person intervention while treatment is provided.

Subd. 15. **Occupational therapy.** "Occupational therapy" means the use of purposeful activity to maximize the independence and the maintenance of health of an individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or learning disability, or an adverse environmental condition. The practice encompasses evaluation, assessment, treatment, and consultation. Occupational therapy services may be provided individually, in groups, or through social systems. Occupational therapy includes those services described in section 148.6404.

148.6412 LICENSURE BY EQUIVALENCY.

Subdivision 1. **Persons certified by National Board for Certification in Occupational Therapy before June 17, 1996.** Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapist before June 17, 1996, may apply for licensure by equivalency for occupational therapist. Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapy assistant before June 17, 1996, may apply for licensure by equivalency for occupational therapy assistant.

148E.045 CONTESTED CASE HEARING.

An applicant or a licensee who is the subject of a disciplinary or adversarial action by the board according to this chapter may request a contested case hearing under sections 14.57 to 14.62. An applicant or a licensee who desires to request a contested case hearing must submit a written request to the board within 90 days after the date on which the board mailed the notification of the adverse action, except as otherwise provided in this chapter.

148E.055 LICENSE REQUIREMENTS.

Subd. 7. **Licensure by endorsement.** (a) An applicant for licensure by endorsement must hold a current license or credential to practice social work in another jurisdiction.

(b) An applicant for licensure by endorsement who meets the qualifications of paragraph (a) and who demonstrates to the satisfaction of the board that the applicant passed the examination administered by the Association of Social Work Boards or a similar examination body designated by the board for the applicable license in Minnesota is not required to retake the licensing examination.

(c) An application for licensure by endorsement must meet the applicable license requirements specified in subdivisions 1 to 6, except as provided in paragraph (d), and submit the licensure by endorsement application fee specified in section 148E.180.

(d) The following requirements apply:

(1) An applicant for licensure by endorsement who is applying for licensure as a licensed social worker must meet the requirements specified in subdivision 2.

(2) An applicant for licensure by endorsement who is applying for licensure as a licensed graduate social worker must meet the requirements specified in subdivision 3.

(3) An applicant for licensure by endorsement who is applying for licensure as a licensed independent social worker is not required to demonstrate that the applicant has obtained 100 hours of supervision as specified in section 148E.110, subdivision 1, provided that the applicant has engaged in authorized social work practice for a minimum of 4,000 hours in another jurisdiction.

(4) An applicant for licensure by endorsement as a licensed independent clinical social worker (i) is not required to meet the license requirements specified in subdivision 5, paragraph (a), clause (2), and (ii) is not required to demonstrate that the applicant has obtained 200 hours of supervision as specified in section 148E.115, subdivision 1, provided that the applicant has engaged in authorized clinical social work practice for a minimum of 4,000 hours in another jurisdiction.

Subd. 8. **Criminal background checks.** (a) Except as provided in paragraph (b), an initial license application must be accompanied by:

(1) a form provided by the board authorizing the board to complete a criminal background check; and

(2) the criminal background check fee specified by the Bureau of Criminal Apprehension.

Criminal background check fees collected by the board must be used to reimburse the Bureau of Criminal Apprehension for the criminal background checks.

(b) An applicant who has previously submitted a license application authorizing the board to complete a criminal background check is exempt from the requirement specified in paragraph (a).

(c) If a criminal background check indicates that an applicant has engaged in criminal behavior, the board may take action according to sections 148E.255 to 148E.270.

148E.060 TEMPORARY LICENSES.

Subd. 3. **Teachers.** (a) The board may issue a temporary license to practice social work to an applicant whose permanent residence is outside the United States, who is teaching social work at an academic institution in Minnesota for a period not to exceed 12 months, who may or may not have applied for a license under section 148E.055, and who has:

(1) applied for a temporary license on a form provided by the board;

(2) submitted a form provided by the board authorizing the board to complete a criminal background check;

(3) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or graduate degree in social work; and

(4) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) A temporary license issued under this subdivision expires after 12 months.

Subd. 4. **Temporary license application fee.** An applicant for a temporary license must pay the application fee specified in section 148E.180 plus the required fee for the cost of the criminal background check. Only one fee for the cost of the criminal background check must be submitted when the applicant is applying for both a temporary license and a license under section 148E.055.

Subd. 5. **Temporary license term.** A temporary license is valid until expiration, or until the board issues or denies the license according to section 148E.055, or until the board revokes the temporary license, whichever comes first. A temporary license is nonrenewable.

Subd. 6. **Licensee with temporary license; baccalaureate degree.** A licensee with a temporary license who has provided evidence to the board that the licensee has completed the requirements for a baccalaureate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board may temporarily engage in social work practice except that a licensee with a temporary license may not engage in clinical social work practice.

Subd. 7. **Licensee with temporary license; graduate degree.** A licensee with a temporary license who has provided evidence to the board that the licensee has completed the requirements for a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board may temporarily engage in social work practice, including clinical practice.

Subd. 8. **Supervision requirements.** (a) Except as provided in paragraph (b), an applicant who is not currently licensed or credentialed to practice social work in another jurisdiction and who obtains a temporary license may practice social work only under the supervision of an individual licensed as a social worker who is eligible to provide supervision under sections 148E.100 to 148E.125. Before the applicant is approved

for licensure, the applicant's supervisor must attest to the board's satisfaction that the applicant has practiced social work under supervision. This supervision applies toward the supervision required after licensure.

(b) If an applicant is currently licensed or credentialed to practice social work in another jurisdiction, and receives a temporary license according to subdivision 3, the requirements specified in paragraph (a) do not apply. However, if an applicant with a temporary license chooses to practice social work under supervision, the supervision applies to the requirements specified in sections 148E.100 to 148E.125.

Subd. 9. **Prohibition on practice.** An applicant for a temporary license must not practice social work in Minnesota, except as provided in section 148E.065, until the applicant has been granted a temporary license.

Subd. 10. **Representation of professional status.** In making representations of professional status to the public, a licensee with a temporary license must state that the licensee has a temporary license.

Subd. 11. **Standards of practice.** A licensee with a temporary license must conduct all professional activities as a social worker according to the requirements of sections 148E.195 to 148E.240.

Subd. 13. **Revocation of temporary license.** The board may immediately revoke the temporary license of any licensee who violates any requirements of this section. The revocation must be made for cause, without notice or opportunity to be heard. A licensee whose temporary license is revoked must immediately return the temporary license to the board.

148E.075 ALTERNATE LICENSES.

Subdivision 1. **Temporary leave license.** (a) A licensee qualifies for temporary leave from active practice if the licensee demonstrates to the satisfaction of the board that the licensee is not engaged in the practice of social work in any setting, including settings in which social workers are exempt from licensure according to section 148E.065. A licensee who is granted temporary leave from active practice may reactivate the license according to section 148E.080.

(b) A licensee may maintain a temporary leave license for no more than four consecutive years.

(c) A licensee who is granted temporary leave from active practice may reactivate the license according to section 148E.080. If a licensee does not apply for reactivation within 60 days following the end of the consecutive four-year period, the license automatically expires. An individual with an expired license may apply for new licensure according to section 148E.055.

(d) Except as provided in paragraph (e), a licensee who holds a temporary leave license must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work.

(e) The board may grant a variance to the requirements of paragraph (d) if a licensee on temporary leave license provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

(f) In making representations of professional status to the public, when holding a temporary leave license, a licensee must state that the license is not active and that the licensee cannot practice social work.

Subd. 1a. **Emeritus inactive license.** (a) A licensee qualifies for an emeritus inactive license if the licensee demonstrates to the satisfaction of the board that the licensee is:

(1) retired from social work practice; and

(2) not engaged in the practice of social work in any setting, including settings in which social workers are exempt from licensure according to section 148E.065.

(b) A licensee with an emeritus inactive license may apply for reactivation according to section 148E.080 only during the four years following the granting of the emeritus inactive license. However, after four years following the granting of the emeritus inactive license, an individual may apply for new licensure according to section 148E.055.

(c) Except as provided in paragraph (d), a licensee who holds an emeritus inactive license must not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work.

(d) The board may grant a variance to the requirements of paragraph (c) if a licensee on emeritus inactive license provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

(e) In making representations of professional status to the public, when holding an emeritus inactive license, a licensee must state that the license is not active and that the licensee cannot practice social work.

Subd. 1b. **Emeritus active license.** (a) A licensee qualifies for an emeritus active license if the applicant demonstrates to the satisfaction of the board that the licensee is:

(1) retired from social work practice; and

(2) in compliance with the supervised practice requirements, as applicable, under sections 148E.100 to 148E.125.

(b) A licensee who is issued an emeritus active license is only authorized to engage in:

(1) pro bono or unpaid social work practice as specified in section 148E.010, subdivisions 6 and 11; or

(2) paid social work practice not to exceed 240 clock hours per calendar year, for the exclusive purpose to provide licensing supervision as specified in sections 148E.100 to 148E.125; and

(3) the authorized scope of practice specified in section 148E.050.

(c) An emeritus active license must be renewed according to the requirements specified in section 148E.070, subdivisions 1, 2, 3, 4, and 5.

(d) At the time of license renewal a licensee must provide evidence satisfactory to the board that the licensee has, during the renewal term, completed 20 clock hours of continuing education, including at least two clock hours in ethics, as specified in section 148E.130:

(1) for licensed independent clinical social workers, at least 12 clock hours must be in the clinical content areas specified in section 148E.055, subdivision 5; and

(2) for social workers providing supervision according to sections 148E.100 to 148E.125, at least three clock hours must be in the practice of supervision.

(e) Independent study hours must not consist of more than eight clock hours of continuing education per renewal term.

(f) Failure to renew an active emeritus license on the expiration date will result in an expired license as specified in section 148E.070, subdivision 5.

(g) The board may grant a variance to the requirements of paragraph (b) if a licensee holding an emeritus active license provides emergency social work services. A variance is granted only if the board provides the variance in writing to the licensee. The board may impose conditions or restrictions on the variance.

(h) In making representations of professional status to the public, when holding an emeritus active license, a licensee must state that an emeritus active license authorizes only pro bono or unpaid social work practice, or paid social work practice not to exceed 240 clock hours per calendar year, for the exclusive purpose to provide licensing supervision as specified in sections 148E.100 to 148E.125.

(i) Notwithstanding the time limit and emeritus active license renewal requirements specified in this section, a licensee who possesses an emeritus active license may reactivate the license according to section 148E.080 or apply for new licensure according to section 148E.055.

Subd. 2. **Application.** A licensee may apply for temporary leave license, emeritus inactive license, or emeritus active license:

(1) at any time when currently licensed under section 148E.055, 148E.0555, 148E.0556, or 148E.0557, or when licensed as specified in this section, by submitting an application form required by the board; or

(2) as an alternative to applying for the renewal of a license by so recording on the application form required by the board and submitting the completed, signed application to the board.

An application that is not completed or signed, or that is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board.

Subd. 3. **Fee.** (a) Regardless of when the application for temporary leave license or emeritus inactive license is submitted, the temporary leave license or emeritus inactive license fee specified in section 148E.180, whichever is applicable, must accompany the application. A licensee who is approved for temporary leave license or emeritus inactive license before the license expiration date is not entitled to receive a refund for any portion of the license or renewal fee.

(b) If an application for temporary leave or emeritus active license is received after the license expiration date, the licensee must pay a renewal late fee as specified in section 148E.180 in addition to the temporary leave fee.

(c) Regardless of when the application for emeritus active license is submitted, the emeritus active license fee is one-half of the renewal fee for the applicable license specified in section 148E.180, subdivision 3, and must accompany the application. A licensee who is approved for emeritus active license before the license expiration date is not entitled to receive a refund for any portion of the license or renewal fee.

Subd. 8. **Disciplinary or other action.** The board may resolve any pending complaints against a licensee before approving an application for an alternate license specified in this section. The board may take action according to sections 148E.255 to 148E.270 against a licensee who is issued an alternate license specified in this section based on conduct occurring before the license is inactive or conduct occurring while the license is effective.

148E.095 LICENSE CERTIFICATE OR CARD.

Subd. 2. **License card.** (a) The board must issue a new license card when the board issues a new license. No fee in addition to the applicable license fee specified in section 148E.180 is required.

(b) The board must replace a license card when a licensee submits:

(1) an affidavit to the board that the original license card was lost, stolen, or destroyed; and

(2) the license card fee specified in section 148E.180.

(c) The board must issue a revised license card when the licensee submits a written request for a new license wall certificate because of a new professional or legal name according to section 148E.090, subdivision 2 or 3. No fee in addition to the one specified in subdivision 1, paragraph (b), is required.

148E.130 CLOCK HOURS REQUIRED.

Subd. 2. **Ethics requirement.** At least two of the clock hours required under subdivision 1 must be in social work ethics, including at least one of the following:

(1) the history and evolution of values and ethics in social work;

(2) ethics theories;

(3) professional standards of social work practice, as specified in the ethical codes of the National Association of Social Workers, the Association of Canadian Social Workers, the Clinical Social Work Federation, and the Council on Social Work Education;

(4) the legal requirements and other considerations for each jurisdiction that registers, certifies, or licenses social workers; or

(5) the ethical decision-making process.

Subd. 3. **Requirement for LICSW's.** For licensed independent clinical social workers, at least 24 of the clock hours required under subdivision 1 must be in the clinical content areas specified in section 148E.055, subdivision 5.

Subd. 4. **Requirement for supervisors.** For social workers providing supervision according to sections 148E.100 to 148E.125, at least six of the clock hours required under subdivision 1 must be in the practice of supervision.

Subd. 5. **Independent study.** Independent study must not consist of more than 15 clock hours of continuing education per renewal term. Independent study must be for publication, public presentation, or professional development. Independent study includes, but is not limited to, electronic study. For purposes of subdivision 4, independent study includes consultation or training regarding supervision with a licensed professional who has demonstrated supervisory skills.

Subd. 6. **Coursework.** One credit of coursework in a semester-based academic institution is the equivalent of 15 clock hours.

Subd. 7. **Prorated renewal term.** If the licensee's renewal term is prorated to be less or more than 24 months, the required number of continuing education clock hours is prorated proportionately.

148E.135 APPROVAL OF CLOCK HOURS.

Subdivision 1. **Ways of approving clock hours.** The clock hours required under section 148E.130 must be approved in one or more of the following ways:

(1) the hours must be offered by a continuing education provider approved by the board;

(2) the hours must be offered by a continuing education provider approved by the Association of Social Work Boards or a similar examination body designated by the board;

(3) the hours must be earned through a continuing education program approved by the National Association of Social Workers; or

(4) the hours must be earned through a continuing education program approved by the board.

Subd. 2. **Preapproval not required.** Providers and programs are not required to be preapproved but must meet the requirements specified in this section.

148E.140 VARIANCES.

The board may grant a variance to the continuing education requirements specified in section 148E.130, when a licensee demonstrates to the satisfaction of the board that the licensee is unable to complete the required number of clock hours during the renewal term. The board may allow a licensee to complete the required number of clock hours within a time frame specified by the board. The board must not allow a licensee to complete less than the required number of clock hours.

148E.150 APPROVED CONTINUING EDUCATION PROVIDERS.

In order to receive credit for a program offered by a continuing education provider approved by the Association of Social Work Boards or a similar examination body designated by the board, the provider must be listed on the Association of Social Work Boards Web site as a provider currently approved by the Association of Social Work Boards or a similar examination body designated by the board.

148E.155 APPROVED CONTINUING EDUCATION PROGRAMS.

In order to receive credit for a program approved by the National Association of Social Workers, the program must be listed on the National Association of Social Workers Web site as a program currently approved by the National Association of Social Workers.

148E.160 CONTINUING EDUCATION PROGRAMS APPROVED BY BOARD.

Subdivision 1. **Required program content.** In order to be approved by the board, a continuing education program must:

(1) promote the standards of practice described in sections 148E.195 to 148E.240;

(2) contribute to the practice of social work as defined in section 148E.010; and

(3) not be primarily procedural or be primarily oriented towards business practices or self-development.

Subd. 2. **Types of continuing education programs.** In order to be approved by the board, a continuing education program must be one of the following: academic coursework offered by an institution of higher learning; educational workshops, seminars, or conferences offered by an organization or individual; staff training offered by a public or private employer; or independent study.

148E.165 CONTINUING EDUCATION REQUIREMENTS OF LICENSEES.

Subdivision 1. **Records retention; licensees.** For one year following the expiration date of a license, the licensee must maintain documentation of clock hours earned during the previous renewal term. The documentation must include the following:

(1) for educational workshops or seminars offered by an organization or at a conference, a copy of the certificate of attendance issued by the presenter or sponsor giving the following information:

(i) the name of the sponsor or presenter of the program;

(ii) the title of the workshop or seminar;

(iii) the dates the licensee participated in the program; and

(iv) the number of clock hours completed;

(2) for academic coursework offered by an institution of higher learning, a copy of a transcript giving the following information:

(i) the name of the institution offering the course;

(ii) the title of the course;

(iii) the dates the licensee participated in the course; and

(iv) the number of credits completed;

(3) for staff training offered by public or private employers, a copy of the certificate of attendance issued by the employer giving the following information:

(i) the name of the employer;

(ii) the title of the staff training;

(iii) the dates the licensee participated in the program; and

(iv) the number of clock hours completed; and

(4) for independent study, including electronic study, or consultation or training regarding supervision, a written summary of the activity conducted, including the following information:

(i) the topics covered;

(ii) a description of the applicability of the activity to the licensee's authorized scope of practice;

(iii) the titles and authors of books and articles consulted or the name of the organization offering the activity, or the name and title of the licensed professional consulted regarding supervision;

(iv) the dates the licensee conducted the activity; and

(v) the number of clock hours the licensee conducted the activity.

Subd. 2. **Audits.** The board may audit license renewal and reactivation applications to determine compliance with the requirements of sections 148E.130 to 148E.170. A licensee audited by the board must provide the documentation specified in subdivision 1 regardless of whether the provider or program has been approved by the board, the Association of Social Work Boards, or a similar examination body designated by the board, or the National Association of Social Workers.

148E.170 REVOCATION OF CONTINUING EDUCATION APPROVALS.

The board may revoke approval of a provider or a program offered by a provider, or an individual program approved by the board, if the board determines subsequent to the approval that the provider or program failed to meet the requirements of sections 148E.130 to 148E.170.

Repealed Minnesota Rule: S2939-1

4664.0003 DEFINITIONS.

Subp. 28. **Occupational therapy.** "Occupational therapy" has the meaning given in Minnesota Statutes, section 148.6402, subdivision 15.