

House Research Act Summary

CHAPTER: 123

SESSION: 2007 Regular Session

TOPIC: Health Occupations Licensing

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Overview

This act establishes licensure for limited x-ray machine operators, changes requirements for graduates of foreign medical schools, extends the expiration date for various advisory councils, creates separate requirements for speech-language pathologists and audiologists, changes social work licensure requirements, creates licensure requirements for physical therapist assistants, creates licensure for professional clinical counselors, and makes technical corrections to the Board of Pharmacy statutes.

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1 Examination for individual operating x-ray equipment. Amends § 144.121, subd. 5. (a) Requires any person, after January 1, 2008, that operates x-ray equipment to first pass a national examination.

(b) Provides that the commissioner of health establish criteria for approval of examinations based on national standards. States that an organization proposing an equivalent exam shall submit a \$1,000 fee to the commissioner to determine whether the proposed exam meets examining standards. Instructs the commissioner to deposit the fee in the state treasury where it will be credited to the state government special revenue account.

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(c) Lists the required elements of the limited x-ray machine operator examination.

(d) Requires the operator who is required to take the examination to submit an application to the commissioner, a \$25 processing fee, and the required examination fee set by the national examining organization.

Effective date. This section is effective January 1, 2008.

- 2 Limited x-ray machine operator practice.** Amends § 144.121 by adding subd. 5a. (a) Allows limited x-ray operators to practice medical radiography only on regions of the body for which they passed an examination unless the person meets an exemption in paragraph (b). The operator may use only "routine radiographic procedures," and is prohibited from using computed tomography (CT), contrast media, and fluoroscopic or mammographic equipment.

(b) Lists the circumstances and qualifications of persons exempt from this subdivision.

Effective date. This section is effective January 1, 2008.

- 3 Variance of scope of practice.** Amends § 144.121 by adding subd. 5b. Permits the commissioner to grant a variance of the scope of practice for x-ray operators when the delivery of care would otherwise be compromised. States the requirements for a request for variance, and the requirements for the commissioner to grant or deny a variance request.

Effective date. This section is effective January 1, 2008.

- 4 United States or Canadian medical school graduates.** Amends § 147.02, subd. 1. Changes the requirement for passing the three steps of the USMLE within a seven-year period to a requirement to pass step three within five years of passing step two, or before the end of residency training.
- 5 Examination extension; medical reasons.** Amends § 147.02, by adding subd. 1b. Allows the Board of Medical Practice to grant an extension to applicants who submit proof of medical illness to the time requirements to pass the United States Medical Licensing Examination.
- 6 Requirements.** Amends § 147.037, subd. 1. Permits applicants who graduate from foreign medical or osteopathic programs to use the Federation of State Medical Boards' Federation Credentials Verification Service (FCVS). (Current law requires such applicants to use FCVS.) Provides for an immediate effective date.
- 7 Organization.** Amends § 147A.27, subd. 2. Removes the provision regarding the expiration of the physician assistant advisory council.
- 8 Administration; compensation; removal; quorum.** Amends § 147B.05, subd. 2. Removes the provision regarding the expiration of the acupuncture advisory council.
- 9 Organization.** Amends § 147C.35, subd. 2. Removes the provision regarding the expiration of the respirator care practitioner advisory council.
- 10 Organization.** Amends § 147D.25, subd. 2. Removes the provision regarding the expiration of the advisory council on traditional midwifery.
- 11 Grounds.** Amends § 148.10, subd. 1. Allows a chiropractor to offer discounted services to patients.
- 12 Master's of doctoral degree required for speech-language pathology applicants.** Amends § 148.515, subd. 2. Allows speech-language pathology applicants to possess either

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a master's or doctoral degree, provided that certain requirements, which are already in statute, are met.

- 13 Master's or doctoral degree required for audiology applicants.** Amends § 148.515 by adding a subdivision. Allows audiology applicants that graduated prior to August 30, 2007, to possess a master's or a doctoral degree. Requires audiology applicants that graduate after August 20, 2007, to possess a doctoral degree. Requires the degree and practicum be completed at an accredited institution, or an equivalent approved by the board.
- 14 Physical therapist.** Amends § 148.65, subd. 2. Adds to the definition of "physical therapist" that such person must be licensed by the board.
- 15 Physical therapist assistant.** Amends § 148.65, subd. 3. Changes the definition of "physical therapist assistant" to a person, licensed by the board, who provides physical therapy under the supervision of a physical therapist. Removes current language about graduation from an accredited program. Removes the provision that stated a physical therapist need not be on site.
- 16 Licensee.** Amends § 148.65 by adding subd. 8. Defines "licensee."
- 17 Board of Physical Therapy appointed.** Amends § 148.67, subd. 1. Increases the number of physical therapists and physical therapist assistants that will sit on the Board of Physical Therapy. Makes other technical changes.
- 18 Applicants, qualifications.** Amends § 148.70. States that the board must license an applicant that meets the requirements for licensure as a physical therapist or physical therapist assistant. (Current language refers to education and examination requirements, but these are now addressed in later sections.)
- 19 Application.** Amends § 148.705.

Subd. 1. Form; fee. Requires physical therapist assistants (as well as physical therapists, which are already in statute) to submit an application and the appropriate fee to the board before the applicant may take the national examination. Removes language referring to requirements of an approved program for physical therapists.

Subd. 2. Contents of application. (a) Lists the information that must be included in the applications for physical therapists and physical therapist assistants.

(b) Requires an applicant who previously practiced in another state to provide certain information for the preceding five years of practice.

- 20 Physical therapist assistants, aides and students.** Amends § 148.706 by adding subdivisions.

Subd. 1. Supervision. Updates a reference. Prohibits physical therapists from supervising more than two physical therapist assistants at once.

Subd. 2. Delegation of duties. Permits a physical therapist to delegate patient treatment to physical therapist assistants who have sufficient preparation. Lists activities that may not be delegated, including, but not limited to, initial treatment, treatment planning and change of treatment.

Subd. 3. Observation of physical therapist assistants. Requires a physical therapist to observe delegated treatments and document its appropriateness at least once every

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six treatments. Provides that the physical therapist does not need to be on-site, but does need to be easily available to the physical therapist assistant.

Subd. 4. Observation of physical therapy aides. Requires a physical therapist to observe the patient before and after any treatment by a physical therapy aide. Provides the tasks that may be performed by an aide and requires direct supervision by a physical therapist.

21 Temporary permits. Amends § 148.71.

Subd. 1. Qualified applicant. (This bill repeals this subdivision.)

Subd. 2. Issuance. Makes technical changes and updates cross-references to educational requirements.

Subd. 3. Foreign-educated physical therapist; temporary permits. Changes all references to "foreign-trained" to "foreign-educated." Requires the applicant to provide the board with an evaluation or review from the "Foreign Credentialing Commission on Physical Therapy" (FCCPT). Updates cross-references to examination requirements.

22 Educational requirements for licensed physical therapist. Adds § 148.721.

Subd. 1. Accredited program. Requires all applicants for a physical therapist license to complete a course accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or the equivalent.

Subd. 2. General education. Requires completion of 60 academic semester credits or its quarter equivalent from an accredited institution, in addition to the requirement in subdivision 1.

23 Educational requirements for licensed physical therapist assistant. Adds § 148.722. Requires all applicants for a physical therapist assistant license to graduate from a program accredited by CAPTE.

24 Examination for licensed physical therapist. Adds § 148.723.

Subd. 1. National test. Requires all applicants to take and pass the National Physical Therapy Examination or an equivalent.

Subd. 2. Examinations taken on or before July 1, 1995. States the passing score for exams taken before July 1, 1995.

Subd. 3. Examinations taken after July 1, 1995. States that the passing score for exams taken after July 1, 1995, is based on standards established by the testing agency.

25 Examination for licensed physical therapist assistant. Adds § 148.724.

Subd. 1. National test. Requires all applicants to take and pass the National Physical

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Therapy Examination for physical therapist assistants, or an equivalent exam.

Subd. 2. Examinations taken on or before July 1, 1995. States the passing score for exams taken before July 1, 1995.

Subd. 3. Examinations taken after July 1, 1995. States that the passing score for exams taken after July 1, 1995, is based on standards established by the testing agency.

Subd. 4. Grandparenting provision. Provides that applicants approved for licensure as a physical therapist assistant before September 1, 2007, do not need to take a national exam. States that this grandparent provision expires July 1, 2008.

26 Requirements for foreign-educated applicants. Adds § 148.725.

Subd. 1. Scope and documentation. Requires foreign-educated applicants to fulfill certain education and examination requirements and provide certain documentation.

Subd. 2. Education evaluation. Requires these applicants to complete education equivalent to that of applicants trained in the states and requires a review by the FCCPT.

Subd. 3. English test. Requires demonstration of English language proficiency and provides the methods by which to determine proficiency.

Subd. 4. Experience. Requires the applicant to have experience for at least six months under supervision at a board-approved facility. States the requirements of participation for such a facility.

Subd. 5. Examination. Requires these applicants to take the national exams required in section 148.72 or 148.73.

27 Renewals. Amends § 148.73. Adds physical therapist assistants to the renewal provision. Makes a technical change. States that continuing education requirements for physical therapist assistants are the same as for physical therapists.

28 Cancellation of license in good standing. Amends § 148.735. Adds physical therapist assistant to the provisions governing license cancellation while in good standing.

29 Board approval; reporting. Amends § 148.736, subd. 1. Adds physical therapist assistant to the provision governing license cancellation while under discipline.

30 Rules. Amends § 148.74. Removes all language relating to the requirement that the secretary treasurer of the board keep a record of proceedings and of all persons licensed under the board.

31 Disciplinary action. Amends § 148.75. Makes several changes to the disciplinary action provisions.

(a) Makes technical changes. Adds to the grounds for which the board may take disciplinary action:

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- inability to practice safely due to mental or physical condition;
- unprofessional conduct or causing harm to public;
- conviction of a felony or crime; and
- other behaviors for which a licensee or applicant may be disciplined.

(b) Lists the disciplinary actions the board may take:

- deny application or renewal of licensure;
- revoke or suspend a license;
- impose restrictions on the licensee's practice;
- impose a civil penalty; and
- other actions allowed by law and justified by the facts of the case.

(c) Adds physical therapist assistant to this provision. (Currently only applies to a physical therapist.) Makes technical changes.

32 Examination; access to medical data. Amends § 148.754. Makes technical changes.

33 Temporary suspension of license. Amends § 148.755. Makes technical changes.

34 Licensure required. Amends § 148.76, subd. 1. Includes physical therapist assistants in these licensure provisions. (Currently only refers to physical therapists.) Makes it a misdemeanor to hold oneself out as a physical therapist assistant without being licensed as a physical therapist assistant.

35 Prosecution, allegations. Amends § 148.78. Includes physical therapist assistant in this provision. (Currently only refers to physical therapists.)

36 Fees. Adds § 148.785. Provides the fixed fee rates that are to be charged by the board.

37 Scope of practice. Amends § 148B.50, subd. 5. Deletes obsolete language.

38 General requirements. Amends § 148B.53, subd. 1. Deletes obsolete language.

39 Fee. Amends § 148B.53, subd. 3. Provides the fixed fee rates that are to be charged by the board.

40 Requirements for licensure as a licensed professional clinical counselor. Adds § 148B.5301.

Subd. 1. General requirements. Provides that to be licensed as a professional clinical counselor an applicant must provide evidence to the board that the applicant:

- is at least 18 years old;
- is of good moral character;
- has completed a master's or doctoral degree program in counseling or related field that meets the specified requirements in this section;
- has passed the specified national examination;
- has earned graduate level credit in subject areas specified in this section; and
- has successfully completed 4,000 hours of supervised post-masters degree

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supervised professional practice.

Subd. 2. Supervision. Sets out the requirements for supervised clinical practice.

Subd. 3. Conversion from licensed professional counselor to licensed professional clinical counselor. Paragraph (a). Allows a currently licensed professional counselor to convert to a licensed professional clinical counselor by providing evidence satisfactory to the board that the applicant:

- is at least 18 years old;
- is of good moral character;
- has an active license in good standing;
- has no complaints pending, uncompleted disciplinary orders, or corrective action agreements;
- has completed a masters' or doctoral program that meets specified requirements;
- has earned 24 graduate level credits in clinical coursework that includes specified content areas;
- has demonstrated to the satisfaction of the board successful completion of 4,000 hours of supervised post-masters degree professional clinical practice; and
- has paid the required application and licensure fees.

Paragraph (b). This section expires August 1, 2011.

Subd. 4. Conversion from licensed professional counselor to licensed professional clinical counselor after August 1, 2011. Allows a Minnesota licensed professional counselor to convert to a licensed professional clinical counselor by providing satisfactory evidence to the board that the counselor has met the requirements in subdivisions 2 and 3 and

- the individual has an active license and is in good standing;
- the individual does not have any complaints pending, uncompleted disciplinary action, or corrective action agreements; and
- the individual has paid the required application and licensure fees.

Subd. 5. Scope of practice. A licensed professional clinical counselor shall be entitled to perform all services provided by mental health professionals as defined in

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section 245.462, subdivision 18, and section 245.4871, subdivision 27.

Subd. 6. Jurisdiction. Licensed professional clinical counselors are subject to the board's statutes and rules to the same extent as licensed professional counselors.

41 Degrees from foreign institutions. Adds § 148B.532.

Subd. 1. Scope and documentation. Sets out the requirements that an applicant for licensure as a professional counselor must meet when the applicant has a degree granted by a foreign institution.

Subd. 2. Education evaluation. Sets out the requirements for an educational evaluation that an applicant for licensure as a professional counselor must meet when the applicant has a degree granted by a foreign institution.

42 Experienced counselor transition. Amends § 148B.555. Extends the effective date of this section from July 1, 2007, to July 1, 2008.

43 Sponsor application fee. Amends § 148C.12, by adding subd. 12. States that the sponsor application fee for approval of a continuing education course is \$60.

44 Order or stipulation fee. Amends § 148C.12, by adding subd. 13. Provides that the fee for a copy of a board order or stipulation is \$10.

45 Duplicate certificate fee. Amends § 148C.12, by adding subd. 14. States that the fee for a duplicate certificate is \$25.

46 Supervisor application processing fee. Amends § 148C.12, by adding subd. 15. Provides that the fee for licensure supervision application processing is \$30.

47 Requirements. Amends § 148D.050, subd. 1. Provides that social workers licensed under section 148D.055 or 148D.061 must comply with the scope of practice requirements.

48 Qualifications for licensure by examination as a licensed social worker. Amends § 148D.055, subd. 2. Deletes paragraph (i) regarding licensure requirements for foreign-born candidates who have failed the licensure examination at least once since January 1, 2000, and for whom English is a second language. In current law, this paragraph expires August 1, 2007.

49 Qualifications for licensure by examination as licensed graduate social worker. Amends § 148D.055, subd. 3. Deletes paragraph (i) regarding licensure requirements for foreign-born candidates who have failed the licensure examination at least once since January 1, 2000, and for whom English is a second language. In current law, this paragraph expires August 1, 2007.

50 Licensure by examination; licensed independent social worker. Amends § 148D.055, subd. 4. Deletes paragraph (i) regarding licensure requirements for foreign-born candidates who have failed the licensure examination at least once since January 1, 2000, and for whom English is a second language. In current law, this paragraph expires August 1, 2007.

51 Licensure by examination; licensed independent clinical social worker. Amends § 148D.055, subd. 5. Deletes paragraph (i) regarding licensure requirements for foreign-born candidates who have failed the licensure examination at least once since January 1, 2000, and for whom English is a second language. In current law, this paragraph expires August 1, 2007.

52 Provisional license. Adds § 148D.055, by adding subd. 7a. Provides that an applicant for a provisional license must meet all licensure requirements except the requirement to pass the examination administered by the Board of Social Work or an examination body designated

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by the board.

- 53 Programs in candidacy status.** Amends § 148D.060, by adding subd. 2a. Provides that the board may issue a temporary license to an applicant who has graduated from a social work program that is in candidacy status with an accreditation body. Requires the applicant to apply for a license, apply for a temporary license, authorize the board to complete a criminal background check, pass the applicable license examination, and provide proof that the applicant has not engaged in conduct in violation of practice standards.
- 54 Temporary license term.** Amends § 148D.060, subd. 5. Adds paragraph (c). Provides that a temporary license expires after 12 months, but may be extended under specified circumstances. Allows the board to immediately revoke the temporary license if the board learns that the social work program is not in good standing or will not be granted accreditation.
- 55 Licensee with temporary license; baccalaureate degree.** Amends § 148D.060, subd. 6. Adds that a licensee who has graduated from a program in candidacy status may be granted a temporary license to engage in social work practice.
- 56 Licensee with temporary license; graduate degree.** Amends § 148D.060, subd. 7. Adds that a licensee who has graduated from a program in candidacy status may be granted a temporary license to engage in social work practice.
- 57 Revocation of temporary license.** Amends § 148D.060, subd. 13. Deletes the board's authority to immediately revoke a temporary license without notice to the licensee or an opportunity to be heard.
- 58 Provisional licenses.** Adds § 148D.061.

Subd. 1. Requirements for a provisional license. Allows an applicant to obtain a provisional license, if the applicant was born in a foreign country; uses English as a second language; has taken the licensure examination; has met all other licensing requirements; and complies with the requirements of specified subdivisions.

Subd. 2. License term. Provides that a provisional license is valid for three years, or until the board issues or denies a license under section 148D.055, or until the board revokes the license.

Subd. 3. Scope of practice. Requires the licensee to comply with the practice requirements in section 148D.050.

Subd. 4. Fee. Requires the applicant to pay the specified license fee.

Subd. 5. Supervised practice requirements. Directs the licensee to comply with the supervised practice requirements in section 148D.062. Provides that supervised practice completed under a provisional license does not apply toward the supervision requirements of a licensed social worker.

Subd. 6. Evaluation by supervisor. Directs the licensee to submit an evaluation by the licensee's supervisor every six months during the first 2,000 hours of practice. Specifies that the evaluation must meet certain requirements, as must the supervisor. Requires the supervisor to submit a final evaluation and attest to the supervisee's

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ability to practice social work safely and competently.

Subd. 7. Completion of requirements. Provides that the licensee shall not practice social work except as provided in section 148D.065, unless licensed under section 148D.055.

Subd. 8. Disciplinary or other action. Allows the board to take disciplinary action if the licensee's supervisor does not submit an evaluation, an evaluation indicates the licensee cannot practice safely or competently, or the licensee does not comply with the requirements of this section.

Subd. 9. Revocation of provisional license. Allows the board to immediately revoke a provisional license if a licensee violates any requirements of this section. States the revocation must be for cause.

59 Provisional license; supervised practice. Adds § 148D.062.

Subd. 1. Supervision required after licensure. Requires a licensee with a provisional license to receive at least 37.5 hours of supervision.

Subd. 2. Practice requirements. Provides that the 37.5 hours of supervision must be received during the first 2,000 hours of practice. Requires at least three hours of supervision during every 160 hours of practice.

Subd. 3. Types of supervision. Requires at least 20 hours of in person one-on-one supervision.

Subd. 4. Supervisor requirements. Sets out the educational, practice, and licensure requirements for a supervisor.

Subd. 5. Expiration. This section expires August 1, 2011.

60 Provisional license; documentation of supervision. Adds § 148D.063.

Subd. 1. Supervision plan. Requires the licensee with a provisional license to submit a supervision plan within 30 days after the individual begins a social work position. Lists the components that must be included in the plan.

Subd. 2. Evaluation. Lists the required elements of the evaluation that must be submitted under section 148D.061, subdivision 6.

Subd. 3. Alternative verification of supervised practice. Permits the board to accept alternative verification of supervised practice if the licensee is unable to locate a former supervisor to provide the required information.

61 Alternate supervisors. Amends § 148D.120, subd. 2. Updates cross-references.

62 Supervision plan. Amends § 148D.125, subd. 1. Updates a cross-reference.

63 Citation. Adds § 148E.001. Names this chapter the "Minnesota Board of Social Work Practice Act."

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64 **Definitions.** Creates § 148E.010. Adds two new definitions, and adds clarifying language in two definitions, otherwise identical to section 148D.010. The changes follow:

Subd. 6. Clinical practice. Adds the phrase "across the lifespan."

Subd. 7. Clinical supervision. Adds the definition of "clinical supervision" which means the professional relationship between a supervisor and social worker engaged in clinical practice in which the supervisor provides evaluation and direction.

Subd. 8. Graduate degree. Adds the definition of "graduate degree" which means a master's degree from one of the described accredited programs, or doctorate in social work from an accredited university.

Subd. 13. Professional social work knowledge, skills, and values. Adds a reference to the degree of doctorate in social work.

65 **Scope.** Creates § 148E.015. Identical to section 148D.015.

66 **Chapter 214.** Creates § 148E.020. Identical to section 148D.020.

67 **Board of Social Work.** Creates § 148E.025. Identical to section 148D.025.

68 **Duties of the board.** Creates § 148E.030. Identical to section 148D.030.

69 **Variances.** Creates § 148E.035. Identical to section 148D.035.

70 **Immunity.** Creates § 148E.040. Identical to section 148D.040.

71 **Contested case hearing.** Creates § 148E.045. Identical to section 148D.045.

72 **Licensing; scope of practice.** Creates § 148E.050. Identical to section 148D.050.

73 **License requirements.** Creates § 148E.055.

- Adds a doctorate in social work from an accredited university as a degree alternative for licensure as a social worker, a graduate social worker, an independent social worker, or an independent clinical social worker.
- Adds to the requirements to be licensed as an independent clinical social worker that the individual must have 360 clock hours in specified areas of clinical knowledge. Provides ways in which this requirement can be met, and allows the board to audit the information submitted.
- Deletes paragraph (h), which expires on August 1, 2007.
- Adds that applicants for licensure by endorsement as a social worker or graduate social worker must meet the same licensure requirements as those applicants applying for licensure by examination.
- Adds that applicants for licensure by endorsement as an independent social worker or as an independent clinical social worker do not have to meet the minimum supervision requirements if the individual has engaged in authorized social work practice for a specified number of hours in another jurisdiction.

74 **Temporary licenses.** Creates § 148E.060. Identical to section 148D.060, except adds a doctorate in social work from an accredited university as a degree alternative.

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- 75 Exemptions.** Creates § 148E.065. Identical to section 148D.065.
- 76 License renewals.** Creates § 148E.070. Identical to section 148D.070.
- 77 Inactive licenses.** Creates § 148E.075. Identical to section 148D.075.
- 78 Reactivations.** Creates § 148E.080. Identical to section 148D.080.
- 79 Voluntary terminations.** Creates § 148E.085. Identical to section 148D.085.
- 80 Name; change of name or address.** Creates § 148E.090. Identical to section 148D.090.
- 81 License certificate or card.** Creates § 148E.095. Identical to section 148D.095.
- 82 Licensed social workers; supervised practice.** Creates § 148E.100. Changes the requirement for supervision from 75 hours to 100 hours. Provides that 50 hours must be provided through one-to-one supervision. Prohibits supervision by e-mail. Limits group supervision to six members.
- 83 Licensed graduate social workers who do not practice clinical social work; supervised practice.** Creates § 148E.105. This section makes numerous changes to section 148D.105.

Subd. 1. Supervision required after licensure. Changes the hours of required supervision from 75 hours to 100 hours.

Subd. 2. Practice requirements. Provides that four hours of supervision must be obtained during every 160 hours of practice. The previous requirement was three hours of supervision for every 160 hours of practice.

Subd. 3. Types of supervision. Specifies the types of supervision that must be received and the number of hours required for the types of supervision.

Subd. 4. Supervisor requirements. Lists the qualifications of professionals who may provide supervision. Under section 148D.105, the required qualifications of a supervisor was linked to the licensure classification of the supervisee.

Subd. 5. Supervisee requirements. Makes one change. Deletes language that requires a licensed graduate social worker who is applying for an independent clinical social worker license to verify supervised practice.

Subd. 6. Supervision not required after completion of supervision requirements. New headnote, but the same language as contained in section 148D.105, subdivision 7.

Subd. 7. Attestation. Identical language as in section 148D.105, subdivision 8.

Subd. 8. Eligibility to apply for licensure as a licensed independent social worker. Provides the requirements for when a licensed graduate social worker can apply for licensure as an independent social worker.

- 84 Licensed graduate social workers who practice clinical social work; supervised practice.** Creates § 148E.106. This section has no comparable section in chapter 148D. It is all new language.

Subd. 1. Supervision required after licensure. Requires at least 200 hours of

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supervision after licensure.

Subd. 2. Practice requirements. Requires during the first 4,000 hours of practice that the social worker receive at least eight hours of supervision during every 160 hours of practice.

Subd. 3. Types of supervision. Provides that 100 hours must be provided through one-to-one supervision. Prohibits supervision by e-mail. Limits group supervision to six supervisees.

Subd. 4. Supervisor requirements. Specifies that supervision must be provided by a licensed independent clinical social worker or by a person approved as an alternate supervisor by the board.

Subd. 5. Supervisee requirements. Lists requirements for supervisees.

Subd. 6. Supervision required. Prohibits a graduate social worker from practicing clinical social work unless under the supervision of a licensed independent social worker or an alternate supervisor approved by the board.

Subd. 7. Limit on practice of clinical social work. Prohibits the practice of clinical social work under supervision for more than 8,000 hours unless the graduate social worker obtains an independent clinical social worker license. Makes an exception for personal hardship and allows an additional 2,000 hours of supervised practice.

Subd. 8. Eligibility to apply for licensure as a licensed independent social worker. Provides that after completing 4,000 hours of clinical practice, including at least 1,800 of direct client contact and 200 hours of supervision, a graduate social worker may apply for an independent social worker license.

Subd. 9. Attestation. Requires the supervisee and supervisor to attest that the supervisee has met the supervision requirements.

85 Licensed independent social workers; supervised practice. Creates § 148E.110. Makes two changes to section 148D.110. Requires 100 hours of supervision with at least four hours of supervision for every 160 hours of practice. Chapter 148D required 75 hours of supervision with at least three hours for every 160 hours of practice.

86 Licensed independent clinical social workers; supervision. Creates § 148E.115. Changes the requirement for supervision prior to licensure from 75 hours to 200 hours. Deletes the requirement that at least three hours of supervision must be obtained during every 160 hours of practice.

87 Requirements of supervisors. Creates § 148E.120. Adds new language to § 148D.120.

Subd. 1. Supervisors licensed as social workers. Adds the minimum qualifications required to provide supervision. Adds that the board may audit the information to ensure compliance with the requirements of this section.

Subd. 2. Alternate supervisors. Adds that the board may determine that supervision

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is not obtainable if the board determines there are five or fewer licensed independent clinical social workers in the county where the licensee practices. Adds that an alternate supervisor may be a social worker authorized to practice in Iowa, Manitoba, North Dakota, Ontario, South Dakota, or Wisconsin; sets out the qualifications required.

88 Documentation of supervision. Creates § 148E.125. Identical to section 148D.125.

89 Clock hours required. Creates § 148E.130. Adds new language to section 148D.130.

- Changes required continuing education hours from 30 hours to 40 hours.
- Requires licensed independent clinical social workers to obtain at least 24 hours in clinical content areas specified in section 148E.055, subdivision 5.
- Requires supervisors to obtain at least six hours in the practice of supervision.
- Allows supervisors to obtain not more than 10 hours of independent study credit in consultation with an experienced supervisor regarding practice of supervision.

90 Approval of clock hours. Creates § 148E.135. Identical to section 148D.135.

91 Variances. Creates § 148E.140. Identical to section 148D.140.

92 Continuing education providers approved by board. Creates § 148E.145. Identical to section 148D.145.

93 Approved continuing education providers. Creates § 148E.150. Identical to section 148D.150.

94 Approved continuing education programs. Creates § 148E.155. Identical to section 148D.155.

95 Continuing education programs approved by board. Creates § 148E.160. Identical to section 148D.160.

96 Continuing education requirements of licensees. Creates § 148E.165. Identical to section 148D.165.

97 Revocation of continuing education approvals. Creates § 148E.170. Identical to section 148D.170.

98 Fees. Creates § 148E.175. Identical to section 148D.175.

99 Fee amounts. Creates § 148E.180. Identical to section 148D.180.

100 Purpose of compliance laws. Creates § 148E.185. Identical to section 148D.185.

101 Grounds for action. Creates § 148E.190. Identical to section 148D.190.

102 Representations to clients and public. Creates § 148E.195. Identical to section 148D.195.

103 Competence. Creates § 148E.200. Identical to section 148D.200.

104 Impairment. Creates § 148E.205. Identical to section 148D.205.

105 Professional and ethical conduct. Creates § 148E.210. Identical to section 148D.210.

106 Responsibilities to clients. Creates § 148E.215. Identical to section 148D.215.

107 Relationships with clients, former clients, and others. Creates § 148E.220. Identical to section 148D.220.

108 Treatment and intervention services. Creates § 148E.225. Identical to section 148D.225.

109 Confidentiality and records. Creates § 148E.230. Identical to section 148D.230.

110 Fees and billing practices. Creates § 148E.235. Identical to section 148D.235.

111 Reporting requirements. Creates § 148E.240. Identical to section 148D.240.

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- 112 **Investigative powers and procedures.** Creates § 148E.245. Identical to section 148D.245.
- 113 **Obligation to cooperate.** Creates § 148E.250. Identical to section 148D.250.
- 114 **Types of actions.** Creates § 148E.255. Identical to section 148D.255.
- 115 **Disciplinary actions.** Creates § 148E.260. Identical to section 148D.260.
- 116 **AdversTimes but nondisciplinary actions.** Creates § 148E.265. Identical to section 148D.265.
- 117 **Voluntary actions.** Creates § 148E.270. Identical to section 148D.270.
- 118 **Unauthorized practice.** Creates § 148E.275. Identical to section 148D.275.
- 119 **Use of titles.** Creates § 148E.280. Identical to section 148D.280.
- 120 **Reporting requirements.** Creates § 148E.285. Identical to section 148D.285.
- 121 **Penalties.** Creates § 148E.290. Identical to section 148D.290.
- 122 **Electronic signature.** Amends § 151.01 by adding subd. 31. Defines "electronic signature" as electronic sound, symbol or process used by a person with the intent to sign a record.
- 123 **Electronic transmission.** Amends § 151.01 by adding subd. 32. Defines "electronic transmission."
- 124 **Generally; rules.** Amends § 151.06, subd. 1. Makes a technical change. Provides that the Board of Pharmacy has the duty to register pharmacy technicians that the board determines are qualified. (Current statute provides the board has the duty to register pharmacy technicians.)
- 125 **Generally.** Amends § 151.21, subd. 1. Removes "assistant pharmacist" from the list of persons for whom it is unlawful to dispense medications that are different from the one prescribed.
- 126 **Brand name specified.** Amends § 151.21, subd. 2. Adds prescriptions received electronically to the list of methods for receiving prescriptions that are required to be dispensed as written.
- 127 **Brand name not specified.** Amends § 151.21, subd. 3. Adds prescriptions received electronically to the list of methods for receiving prescriptions.
- 128 **Prescriptions by electronic transmission.** Amends § 151.21 by adding subd. 3a. States that this section does not permit a prescriber to use "dispense as written" as a default on electronic prescriptions. Requires a prescriber to add this designation to prescriptions as appropriate.
- 129 **Dismissal of a complaint.** Amends § 214.103, subd. 8. States that a health-related licensing board may not dismiss a complaint without agreement by at least two members and, upon request of the complainant, a review by the attorney general's office. Imposes an effective date of August 1, 2009.
- 130 **Information to complainant.** Amends § 214.103, subd. 9. Requires that a health-related licensing board provide complainants with a written description of the board's complaint process, the board's action, and the complainant's right to appeal the board's decision to the attorney general within 30 days of receipt of the notice. Imposes an effective date of August 1, 2009.
- 131 **Management.** Amends § 214.32, subd. 1. Removes the provision regarding the expiration of the advisory council.
- 132 **Professional services.** Amends § 319B.02, subd. 19. Adds professional counseling to the meaning of "professional services."
- 133 **Board of Social Work study.** Instructs the board to study and make recommendations to the legislature how to increase the number of social workers who serve underserved communities and culturally and ethnically diverse communities. Adds that this study is to

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- explore alternative paths to licensure that do not include a standardized examination.
- 134** **Exception to social work licensure requirement.** Instructs the board of social work to issue a social work license to a social worker licensed by the board of teaching who has been employed as a social worker in a school for the previous 15 years.
- 135** **Applicability of rules.** Provides that Minnesota Rules, parts 5601.0100 to 5601.3200, apply to physical therapists and physical therapist assistants, except parts 5601.1200; 5601.1300; 5601.1800; 5601.1900; 5601.2000; 5601.3200, subpart 2, item D; and 5601.3200, subpart 5, only apply to physical therapists.
- 136** **Appropriations.** Appropriates funds from the state government special revenue fund to the commissioner of health for the purpose of the examination procedures for individuals operating x-ray equipment.
- 137** **Repealer.** Paragraph (a). Repeals Minnesota Statutes 2006, sections 148.691, subdivision 3; 148.71, subdivision 1; 148.72; 148.745; and 148.775. These sections govern disclosures by the Board of Physical Therapy, required examinations, malpractice history, and disciplinary action. The changes in this act make the current sections on examinations, malpractice history, and disciplinary action obsolete.
- Paragraph (b). Repeals all statutory sections of the Minnesota Board of Social Work Practice Act, effective August 1, 2011.
- Paragraph (c). Repeals Minnesota Rules, parts 5601.0200; 5601.0300; 5601.0400; 5601.0500; 5601.0600; 5601.0700; 5601.0800; 5601.1400; 5601.1500; 5601.1600; 5601.2800; 5601.2900; 5601.3000; 5601.3105; 5601.3110; 5601.3115; 5601.3120; 5601.3125; 5601.3130; 5601.3135; 5601.3140; 5601.3145; 5601.3150; 5601.3155; 5601.3160; 5601.3165 (rules relating to physical therapy).
- 138** **Effective date.** Provides that sections 63 to 121 are effective August 1, 2011.