

House Research Act Summary

CHAPTER: 157

SESSION: 2009 Regular Session

TOPIC: Department of Health; Health Occupations Licensing

Date: May 27, 2009

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Section

Article 1: Health-Related Provisions

Overview

This article amends various Health Department statutes including those related to pediatric vaccine administration, the practice of speech-language pathology, and licensure of food and beverage establishments. It amends a provision related to the health-related licensing boards.

- 1** **Pediatric vaccine administration.** Creates § 145.58. Instructs the commissioner of health to enroll eligible providers in the pediatric vaccine administration program based on the program's capacity to enroll additional providers.
- 2** **Healthy children through immunization.** Creates § 145.987. Prohibits pharmacies and pharmacists providing immunizations to children under private insurance or fee-for-services arrangements prior to June 1, 2009, that are not enrolled in the pediatric vaccine administration program, from continuing to immunize children under private insurance or fee-for service after December 31, 2009.
- 3** **Practice of speech-language pathology.** Amends § 148.512, subd. 13. Changes "audiometric screening" to "screening individuals for hearing loss or middle ear pathology."
- 4** **Auditing continuing education credits.** Amends § 148.5193, subd. 6a. Strikes all existing language. This section now provides:
 - the commissioner may audit a random selection of continuing education reports;

- the licensee shall maintain all documentation for two years;
- late renewal applications may be subject to a continuing education audit;
- if a complaint has been filed against a licensee, the commissioner may conduct a continuing education report audit; and
- a detailed list of information a licensee must make available to the commissioner for audit purposes.

- 5** **Speech-language pathologist biennial licensure fee.** Amends § 148.5194, subd. 2. Imposes a \$200 renewal fee for speech-language pathologists.
- 6** **Biennial licensure fee for dual licensure as speech-language pathologist and audiologist.** Amends § 148.5194, subd. 3. Increases the fee from \$200 to \$435.
- 7** **Audiologist biennial licensure fee.** Amends § 148.5194, subd. 7. Raises the biennial license fee for audiologists from \$235 to \$435.
- 8** **Licensed health care professional.** Amends § 148.6402, subd. 13. Adds advanced practice registered nurses and physician assistants to the list of health care professionals in the occupational therapy statute.
- 9** **Limited license.** Amends § 148.6402, subd. 22a. Defines limited license as one issued to a person who for two years or more did not apply for a license, even though qualified, or who allowed their license to lapse for four years or more.
- 10** **Licensure application requirements: procedures and qualifications.** Amends § 149.6405. Lists the requirements for licensure for individuals who meet the requirements for licensure as an occupational therapist or occupational therapy assistant, but do not seek licensure more than two years and less than four years after they qualify for licensure.
- 11** **Written documentation required.** Amends § 148.6440, subd. 2. Requires coursework that was completed more than two years prior to the date of application for licensure must be retaken. Permits a practitioner who has completed a course previously approved by the commissioner and complied with documentation requirements to practice these modalities under supervision while waiting for written approval of the commissioner.
- 12** **Practice of pharmacy.** Amends § 151.01, subd. 27. Permits pharmacists to administer influenza vaccine to eligible individuals age 10 and older under specified circumstances. Current law allows administration to individuals over 10 years of age.
- 13** **License renewal.** Amends § 157.16, subd. 2. Provides that initial and renewal licenses for food and beverage establishments, hotels, motels, lodging establishment, public pools, and resorts will be issued on an annual basis.
- 14** **Posting requirements.** Amends § 157.16, subd. 4. Requires the commissioner to issue decals with the initial license and each license renewal to operators of mobile food units, food carts, and seasonal temporary food stands. The decals must be displayed; they are not transferable.
- 15** **Information to complainant.** Amends § 214.103, subd. 9. Strikes language that requires a licensing board to provide written notice to a complainant of the right to appeal the board's

decision to the attorney general. Provides an August 1, 2009, effective date.

- 16** **Minimum data set, version 3.0.** Requires the commissioner to use the rules and guidelines from the federal government to implement the minimum data set for resident reimbursement classification.
- 17** **Revisor’s instruction.** Instructs the revisor to renumber section 43A.312 as 62J.63 and make any cross-reference changes.
- 18** **Repealer.** Repeals Minnesota Rules, parts 4610.0420 (resident intern registration for mortuary science); 4610.0500, subparts 1, 2, 3, and 5 (mortuary science license application, renewal and endorsement fees); 4610.0600, subparts 1, 3, and 4 (licensing requirements for funeral directors); and 4610.0650 (funeral establishment license) effective July 1, 2009.

Article 2: Amendments to Current Licensing Statute

Overview

This article amends various sections of the current social work practice act.

- 1** **Clinical supervision.** Amends § 148D.010, by adding subdivision 6a. Defines “clinical supervision” as supervision of a social worker engaged in clinical practice.
- 2** **Graduate degree.** Amends § 148D.010, by adding subdivision 6b. Defines “graduate degree” as a master’s degree from a social work program accredited by specified organizations, or a doctorate in social work from an accredited university.
- 3** **Practice of social work.** Amends § 148D.010, subd. 9. Adds that social work practice means providing social work services in a position for which the educational basis is the individual’s social work degree.
- 4** **Supervisee.** Amends § 148D.010, subd. 15. Defines “supervisee” as an individual provided evaluation or direction by an individual who meets the requirements for being a supervisor.
- 5** **Supervisor.** Amends § 148D.010, by adding subdivision 17. Defines “supervisor” as an individual who provides evaluation and direction through supervision in order to comply with the supervised practice requirements.
- 6** **Qualifications of board members.** Amends § 148D.025, subd. 2. More clearly specifies the licensing qualifications of the ten social worker members of the board. Requires at least six board members to live outside the 11-county metropolitan area. Current law defines the metropolitan area as a seven-county area.
- 7** **Officers.** Amends § 148D.025, subd. 3. Changes the election of officers from annual to biennial.
- 8** **Evaluation by supervisor.** Amends § 148D.061, subd. 6. Requires the licensee’s supervisor, rather than the licensee, to submit the supervisor’s evaluation of the licensee’s practice every six months. At the completion of the required supervised practice, requires the supervisor to submit a final evaluation regarding the licensee’s ability to practice

competently and ethically. “Ethically” is substituted for the word “safely.”

- 9** **Disciplinary or other action.** Amends § 148D.061, subd. 8. Corrects a cross-reference. Permits disciplinary or other action to be taken against a licensee if the supervisor’s evaluation indicates the licensee cannot practice competently and ethically. “Ethically” is substituted for “safely.”
- 10** **Practice requirements.** Amends § 148D.062, subd. 2. Clarifies the supervision requirements for an individual practicing under a provisional license.
- 11** **Evaluation.** Amends § 148D.063, subd. 2. Requires the supervisor to submit the supervisor’s evaluation to the board rather than the supervisee. Requires the supervisor to attest to the satisfaction of the board that the supervisee is meeting, or has met, supervised practice requirements.
- 12** **Supervision plan.** Amends § 148D.125, subd. 1. Changes the requirement that a supervision plan must be submitted within 90 days to submission within 60 days. Strikes language mistakenly placed in this chapter.
- 13** **Verification of supervised practice.** Amends § 148D.125, subd. 3. Requires the licensee to submit verification of supervised practice when the licensee submits the license renewal application form.
- 14** **Repealer.** Repeals § 148D.062, subd. 5 (August 1, 2011, provisional license supervised practice expiration); § 148D.125, subd. 2 (attestation of progress on meeting supervised practice requirements); and § 148D.180, subd. 8 (temporary fee reductions that are set to expire June 30, 2009).
- 15** **Effective date.** Provides an immediate effective date for this article.

Article 3: Licensing Statute Effective 2011

Overview

This article amends chapter 148E, the future social work practice act.

- 1** **Client system.** Amends § 148E.010, by adding subdivision 5a. Defines “client system” as the client and individuals who are potentially influential in contributing to resolution of the client’s issues.
- 2** **Direct clinical client contact.** Amends § 148E.010, by adding subdivision 7a. Defines “direct clinical client contact” as interaction with a client, including client systems and providers, related to the client’s mental and emotional functioning, differential diagnosis, and clinical practice treatment.
- 3** **Practice of social work.** Amends § 148E.010, subd. 11. Adds that social work practice means providing social work services in a position for which the educational basis is the individual’s social work degree.
- 4** **Supervisee.** Amends § 148E.010, subd. 17. Defines “supervisee” as an individual provided evaluation or direction by an individual who meets the requirements for being a

supervisor.

- 5 Supervisor.** Amends § 148E.010, by adding subdivision 19. Defines “supervisor” as an individual who provides evaluation and direction through supervision in order to comply with the supervised practice requirements.
- 6 Qualifications of board members.** Amends § 148E.025, subd. 2. More clearly specifies the licensing qualifications of the ten social worker members of the board. Requires at least six board members to live outside the 11-county metropolitan area. Current law defines the metropolitan area as a seven-county area.
- 7 Officers.** Amends § 148E.025, subd. 3. Changes the election of officers from annual to biennial.
- 8 Licensure by examination; licensed independent clinical social worker.** Amends § 148E.055, subd. 5. Changes two of the alternative requirements for proof of clinical knowledge to
- graduate coursework from an accredited institution of higher learning; or
 - up to 20 hours of independent study may be applied to the requirement for up to 90 continuing education hours.
- 9 Supervised practice obtained prior to August 1, 2011.** Amends § 148E.100 by adding subdivision 2a. Requires the board to approve supervised practice hours completed prior to the effective date of chapter 148E if they comply with the requirements in chapter 148D. Beginning August 1, 2011, the effective date of chapter 148E, all hours of supervised practice obtained must comply with the requirements of this section.
- 10 Types of supervision.** Amends § 148E.100, subd. 3. Specifies that visual contact must be maintained when supervision is provided via eye-to-eye electronic media.
- 11 Supervision requirements.** Amends § 148E.100, subd. 4. Requires a supervisor to meet the requirements of section 148E.120.
- 12 Supervisee requirements.** Amends § 148E.100, subd. 5. Requires the licensee to submit the verification of supervised practice when the licensee applies for renewal of a license.
- 13 After completion of supervision requirements.** Amends § 148E.100, subd. 6. Makes a technical change.
- 14 Verification of supervised practice.** Amends § 148E.100, subd. 7. Substitutes “verification” for “attestation.” Changes the cross-reference from the subdivision on “attestation” to the one on “verification.”
- 15 Supervision required after licensure.** Amends § 148E.105, subd. 1. Clarifies that a licensed graduate social worker who is not engaged in clinical practice must receive at least 100 hours of supervision.
- 16 Supervised practice obtained prior to August 1, 2011.** Amends § 148E.105, by adding subdivision 2a. Requires the board to approve supervised practice hours completed prior to the effective date of chapter 148E if they comply with the requirements in chapter 148D. Beginning August 1, 2011, the effective date of chapter 148E, all hours of supervised

practice obtained must comply with the requirements of this section.

- 17 Types of supervision.** Amends § 148E.105, subd. 3. Specifies that visual contact must be maintained when supervision is provided via eye-to-eye electronic media.
- 18 Supervisee requirements.** Amends § 148E.105, subd. 5. Requires the licensee to submit the verification of supervised practice when the licensee applies for renewal of a license.
- 19 Verification of supervised practice.** Amends § 148E.105, subd. 7. Substitutes “verification” for “attestation.” Changes the cross reference from the subdivision on “attestation” to the one on “verification.”
- 20 Supervision required after licensure.** Amends § 148E.106, subd. 1. Requires a licensed graduate social worker to obtain
- a minimum of four hours and maximum of eight hours of supervision during every 160 hours of practice until licensed as an independent clinical social worker; and
 - a minimum of 200 hours of supervision in addition to all other licensing requirements.
- 21 Practice requirements.** Amends § 148E.106, subd. 2. Changes supervised practice requirements from at least 200 hours of supervision during the first 4,000 of practice, to at least 200 hours of supervision in no less than 4,000 hours and no more than 8,000 hours of practice; at least 1,800 hours of practice must be direct clinical client contact. Provides a range from a minimum of four to a maximum of eight hours of supervision during every 160 hours of practice.
- 22 Supervised practice obtained prior to August 1, 2011.** Amends § 148E.106, by adding subdivision 2a. Paragraph (a) requires the board to approve supervised practice hours completed prior to the effective date of chapter 148E if they comply with the requirements in chapter 148D.
- Paragraph (b) provides hours of supervised practice obtained after the effective date of this chapter, must comply with the new requirements contained in this chapter.
- Paragraph (c) states that direct clinical client contact hours are not required prior to the effective date of this chapter and if the licensed graduate social worker’s license was issued prior to the effective date of this chapter and the person practices clinical social work.
- 23 Types of supervision.** Amends § 148E.106, subd. 3. Specifies that visual contact must be maintained when supervision is provided via eye-to-eye electronic media.
- 24 Supervisor requirements.** Amends § 148E.106, subd. 4. Makes technical changes.
- 25 Supervisee requirements.** Amends § 148E.106, subd. 5. Requires the licensee to submit the verification of supervised practice when the licensee applies for renewal of a license.
- 26 Eligibility to apply for licensure as a licensed independent clinical social worker.** Amends § 148E.106, subd. 8. Allows a licensed graduate social worker to apply for independent clinical social worker practice when the individual has completed not less than 4,000 and not more than 8,000 of clinical practice. Currently, the practice requirement is 4,000 hours.

- 27 **Verification of supervised practice.** Amends § 148E.106, subd. 9. Substitutes “verification” for “attestation.” Changes the cross-reference from the subdivision on “attestation” to the one on “verification.”
- 28 **Supervision required before licensure.** Amends § 148E.110, subd. 1. Makes a technical change.
- 29 **Supervised practice obtained prior to August 1, 2011.** Amends § 148E.110, by adding subdivision 1a. Requires the board to approve supervised practice hours completed prior to the effective date of chapter 148E if they comply with the requirements in chapter 148D. Beginning August 1, 2011, the effective date of chapter 148E, all hours of supervised practice obtained must comply with the requirements of this section.
- 30 **Licensed independent social workers; clinical social work after licensure.** Amends § 148E.110, subd. 2. Prohibits an independent social worker from engaging in clinical practice except under the supervision of a licensed independent clinical social worker who meets the requirements for being a supervisor.
- 31 **Supervision; licensed independent social worker engaged in clinical social work practice.** Amends § 148E.110, by adding subdivision 5. Paragraph (a) instructs a licensed independent social worker who is in clinical practice to obtain at least 200 hours of supervision.
- Paragraph (b) requires at least four hours and a maximum of eight hours of supervision during every 160 hours of practice until an independent clinical social worker license is obtained.
- Paragraph (c) sets out the requirements for licensure as an independent clinical social worker.
- Paragraph (d) requires compliance with subdivision 1a of section 148E.110.
- 32 **Practice requirements after licensure as licensed independent social worker; clinical social work practice.** Amends § 148E.110, by adding subdivision 6. Paragraph (a) requires no less than 4,000 and no more than 8,000 hours of social work practice, with at least 1,800 of direct clinical client contact, and a minimum of four and maximum of eight hours of supervision during every 160 hours of practice.
- Paragraph (b) states that direct clinical client contact hours are not required prior to the effective date of this chapter and if the licensed independent social worker’s license was issued prior to the effective date of this chapter and the person practices clinical social work.
- 33 **Supervision; clinical social work practice after licensure as licensed independent social worker.** Amends § 148E.110, by adding subdivision 7. Specifies that forms of supervision that are acceptable and the permissible number of hours for each type.
- 34 **Supervision; clinical social work practice after licensure.** Amends § 148E.110, by adding subdivision 8. Requires supervision to be provided by a supervisor who meets the requirements to be a supervisor.
- 35 **Supervisee requirements; clinical social work practice after licensure.** Amends §

148E.110, by adding subdivision 9. Requires the supervisee to practice competently and ethically; receive supervision in specified content areas; submit a supervision plan; and verify supervised practice.

- 36 Limit on practice of clinical social work.** Amends § 148E.110, by adding subdivision 10. Limits a licensed independent social worker to not more than 8,000 hours of supervised clinical social practice, unless the board grants an extension for up to an additional 2,000 hours.
- 37 Eligibility for licensure; licensed independent clinical social worker.** Amends § 148E.110, by adding subdivision 11. Provides that a licensed independent social worker can apply for an independent clinical social worker license upon completion of not less than 4,000 hours and not more than 8,000 hours of supervised clinical practice. At least 1,800 hours must be of direct clinical client contact, at least 200 hours of clinical supervision must be received.
- 38 Verification of supervised practice.** Amends § 148E.110, by adding subdivision 12. Requires the supervisor and supervisee to verify that the supervisee is meeting the supervision requirements.
- 39 Supervision before licensure; licensed independent clinical social worker.** Amends § 148E.115, subd. 1. Requires at least 200 hours of supervision; at least four hours and not more than eight hours of supervision must be received for every 160 hours of practice. The 200 hours of supervision must be provided in not less than 4,000 and not more than 8,000 hours of clinical practice. At least 1,800 hours must be of direct client clinical practice.
- 40 Supervised practice obtained prior to August 1, 2011.** Amends § 148E.115, by adding subdivision 1a. Requires the board to approve supervised practice hours completed prior to the effective date of chapter 148E if they comply with the requirements in chapter 148D. Beginning August 1, 2011, the effective date of chapter 148E, all hours of supervised practice obtained must comply with the requirements of this section.

Provides that direct clinical client contact hours are not required prior to the effective date of this chapter and if the graduate social worker or independent social worker was licensed prior to the effective date of this chapter.

- 41 Requirements of supervisors.** Amends § 148E.120.
- Subd. 1. Supervisors licensed as social workers.** Limits supervisors available to provide clinical supervision to licensed independent clinical social workers who meet the specified requirements.
- Requires that social workers in each of the four licensure categories who provide nonclinical supervision must have completed the supervised practice requirements for their licensure category.
- Subd. 2. Alternate supervisors.** Changes the language in paragraph (c) from requirements for clinical supervision by licensed independent clinical social workers. Now provides conditions related to supervision by any of the four licensure categories for licensure supervision for social work practice.

- 42 Supervision plan.** Amends § 148E.125, subd. 1. Requires the supervision plan to be

submitted within 60 days rather than 90 days.

- 43 Verification of supervised practice.** Amends § 148E.125, subd. 3. Requires verification of supervised practice to be submitted when the licensee submits the license renewal application form.
- 44 Increased clock hours required effective August 1, 2011.** Amends § 148E.130, by adding subdivision 1a. Clarifies that the increased requirements are applicable to all new licenses issued effective August 1, 2011, and at the first renewal term for individuals licensed under chapter 148D.
- 45 Ethics requirement.** Amends § 148E.130, subd. 2. Specifies topics that fulfill the two hour ethics requirement.
- 46 Independent study.** Amends § 148E.130, subd. 5. Permits not more than 15 hours of independent study toward meeting the continuing education requirements. Current law permits not more than ten hours. For the continuing education requirements for supervisors, independent study can include consultation or training about supervision issues with a licensed professional with demonstrated supervisory skills.
- 47 Records retention; licensees.** Amends § 148E.165, subd. 1. Makes technical and clarifying changes to the requirements for retention of continuing education records.
- 48 Repealer.** Repeals § 148E.106, subd. 6 (supervision requirement for licensed graduate social workers in clinical practice); and §148E.125, subd. 2 (attestation of supervision), effective August 1, 2011.
- 49 Effective date.** Makes sections 1 to 47 effective August 1, 2011.