

Proposal Summary/ Overview

To be completed by proposal sponsor. (500 Word Count Limit for this page) Please read the entire questionnaire before completing this page.

Name: Youa Yang

Organization: Minnesota Board of Social Work (BOSW)

Phone: 612-617-2110

Email Address: youa.yang@state.mn.us

Is this proposal regarding:

- *New or increased regulation of an existing profession/occupation? If so, complete Questionnaire A.*
- *Increased scope of practice or decreased regulation of an existing profession? If so, complete this form, Questionnaire B.*
- *Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.*

1) State the profession/occupation that is the subject of the proposal.

Licensed Social Workers

2) Briefly describe the proposed change.

The MN Board of Social Work proposes the following changes to the provisional license statute, MN Statute 148D:

- Re-codify MS 148D.061, 148D.062, 148D.063 into MS 148E
- Remove the applicant criteria of 1) born in a foreign country 2) communicates in English as a second language;
- Remove requirement 3) has taken the applicable examination administered by the Association of Social Work Bards or similar examination body designated by the board;
- Update the disciplinary action in 148D to align with the Social Work Practice act in MN Statute 148E.
- Update supervision to allow eye to eye electronic media while maintaining visual contact, increase supervision hours to 50, and update supervisor requirements to align with Statute 148E.

3) If the scope of practice of the profession/occupation has previously been changed, when was the most recent change? Describe the change and provide the bill number if available.

The provisional license statute has not been changed since it went into effect in August 2007.

4) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been

identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction.

The proposal has not been introduced and the Board is in process of securing sponsors for the bill.

5) Given the press of business in the 2023 legislative session it is unlikely that health licensing and scope of practice bills will be taken up this year. If there is an urgent need for the bill to be heard this year, please explain the urgency.

N/A

Questionnaire B: Change in scope of practice or reduced regulation of a health-related profession (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)

This questionnaire is intended to help legislative committees decide which proposals for change in scope of practice or reduced regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee's public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

A response is not required for questions that do not pertain to the profession/occupation (indicate "not applicable"). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

1) Who does the proposal impact?

- a. Define the occupations, practices, or practitioners who are the subject of this proposal.

Applicants for social work license and provisional licensees

- b. List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota

MN Board of Social Worker – over 17,000 licensees

- c. Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served.

Social workers practice in a variety of clinical and non-clinical settings not limited to home based services, residential treatment centers, counties, child welfare system, outpatient mental health clinics, schools, hospitals, long-term care facilities, and in policy advocacy work.

- d. Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups.

The practice of social work includes both clinical and non-clinical practice as defined in [MN Statute 148E.010 Subd. 11](#):

(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.

In addition, social workers engage in clinical practice as defined in [MN Statute 148E.010 Subd. 6](#):

"Clinical practice" means applying professional social work knowledge, skills, and values in the differential diagnosis and treatment of psychosocial function, disability, or impairment, including addictions and emotional, mental, and behavioral disorders. Treatment includes a plan based on a differential diagnosis. Treatment may include, but is not limited to, the provision of psychotherapy

to individuals, couples, families, and groups across the life span. Clinical social workers may also provide the services described in subdivision 11.

- e. Discuss the fiscal impact.

The board anticipates a significant increase in provisional licensure applications with costs to:

- Upgrade to BOSW database to allow online processing of provisional applications
- Increase staff time to process applications and provide customer service to applicants
- Increased staff time to process supervision documentation for provisional licensees

2) Specialized training, education, or experience (“preparation”) required to engage in the occupation

- a. What preparation is required to engage in the occupation? How have current practitioners acquired that preparation?

All social workers licensed by the Minnesota Board of Social Work must meet the license requirements for the appropriate licensure type of Licensed Social Worker (LSW), Licensed Graduate Social Worker (LGSW), Licensed Independent Social Worker (LISW), or Licensed Independent Clinical Social Worker (LICSW), according to [MN Statute 148E.055](#).

- Earned 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 accreditation body that the board designates;
- Passed the appropriate licensure examination or equivalent examination administered by the Association of Social Work Boards or a similar examination body that the board designates;
- Completed a criminal background check and paid the required fees;
- To be licensed by endorsement, holds an active license or credential in another jurisdiction.

Once a license is granted, a licensee must:

- For non-clinical practice, obtain at least 100 hours of supervised practice with at least 4,000 hours of practice.
- For clinical practice, obtain at least 200 hours of supervision with 4,000 - 8000 hours of practice including at least 1,800 hours of direct clinical client contact.

- b. Would the proposed scope change or reduction in regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear the increase or benefit from reduction in cost of entry? Are current practitioners required to provide evidence of preparation or pass an examination? How, if at all, would this change under the proposal?

The proposed changes to the provisional license expand eligibility for provisional licensure but they do not change the educational and supervised practice requirements to obtain a Minnesota license. Provisional license applicants will be required to complete a provisional application, pay the applicable fee, and obtain the required supervised hours of supervision.

- c. Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage?

The provisional license is exclusive to Minnesota. No other jurisdiction has a provisional license created to increase licensure of foreign-born applicants for whom English is not their first language.

3) Supervision of practitioners

- a. How are practitioners of the occupation currently supervised, including any supervision within a regulated institution or by a regulated health professional? How would the proposal change the provision of supervision?

Current provisional licensees may obtain supervision with a qualified supervisor either with their current employment or outside of employment. The proposed changes increase the supervision hours from 37.5 to 50 hours and will allow supervision to be provided via eye-to-eye electronic media. These changes align with the supervision requirements currently in MS 148E.

- b. If regulatory entity currently has authority over the occupation, what is the scope of authority of the entity? (For example, does it have authority to develop rules, determine standards for education and training, assess practitioners' competence levels?) How does the proposal change the duties or scope of authority of the regulatory entity? Has the proposal been discussed with the current regulatory authority? If so, please list participants and date.

This proposal does not change the Board's duties or scope. The Board of Social Work exists to promote and protect the public health, safety, and welfare through the licensure and regulation of persons who practice social work in Minnesota. Licensees are required to follow the social work practice act. The Board discussed and approved the proposed changes on September 15, 2023, at its public meeting. In addition, the Board discussed and approved additional statute changes on January 19, 2024.

- c. Do provisions exist to ensure that practitioners maintain competency? Under the proposal, how would competency be ensured?

Provisional licensees are required to engage in supervised practice. The supervisor submits a final evaluation attesting to the applicant's ability to engage in practice of social work competently and ethically.

4) Level of regulation (See Mn Stat 214.001, subd. 2, declaring that "no regulations shall be imposed upon any occupation unless required for the safety and wellbeing of the citizens of the state." The harm must be "recognizable, and not remote." Ibid.)

- a. Describe how the safety and wellbeing of Minnesotans can be protected under the expanded scope or reduction in regulation.

The proposed changes will increase the number of licensed social workers who may provide services. Provisional licensees are required to engage in supervised practice with a qualified supervisor who must attest to the licensee's ability to practice social work.

- b. Can existing civil or criminal laws or procedures be used to prevent or remedy any harm to the public?

The Board of Social Work has statutory authority according to the social work practice act MN Statute 148E to take action regarding violations of the practice act.

5) Implications for Health Care Access, Cost, Quality, and Transformation

- a. Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs?

The proposed changes will increase licensed social worker diversity in the workforce by reducing the licensing barriers for social workers from underrepresented communities. Furthermore, eliminating three eligibility criteria will allow applicants who struggle to pass the exam an alternative way to obtain licensure. By increasing the number and diversity of licensed social workers, the proposed changes will increase access to social work services.

- b. Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic availability of proposed providers/services. Cite any sources used.

The provisional license changes will increase the number of licensed social workers.

- c. Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers?

Not applicable to the provisional license.

- d. Describe any impact of the proposal on an evolving health care delivery and payment system (eg collaborative practice, innovations in technology, ensuring cultural competency, value based payments)?

The proposed changes to the provisional license will increase the number of social workers from underrepresented communities who struggle to pass the national exam.

- e. What is the expected regulatory cost or savings to state government? How are these amounts accounted for under the proposal? Is there an up-to-date fiscal note for the proposal?

This legislative change will have fiscal impact on the board. There is no current fiscal note but the board will prepare one. The board anticipates a significant increase in provisional applications, and the following expenses will be associated with this legislative change:

- Upgrade to BOSW database to transition to online processing of provisional applications
- Increase in staff time to process application and provide customer service to applicants
- Increased staff time to process supervision documentation for provisional licensees

6) Evaluation/Reports

Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews.

The Board of Social Work collects monthly data about the number of applications for provisional license. The Board will continue to collect data and determine if the proposed legislation have any impact the number of licensees.

7) Support for and opposition to the proposal

- a. What organizations are sponsoring the proposal? How many members do these organizations represent in Minnesota?

Minnesota Board of Social Work – over 17,000 licensees

- b. List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal.

Minnesota Board of Social Work – over 17,000 licensees

- c. List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it.

There is opposition about maintaining the requirement to take the exam at least once and fail before applying for the provisional license. The Board of Social Work voted to support removal of the exam criteria and maintain two pathways to licensure. The two pathways are licensure by exam and provisional licensure.

The following organization is in opposition to the exam requirement:

- National Association of Social Workers -MN Chapter
- Augsburg University- Social Work Department

- d. What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal?

The Board facilitates public committee meeting to discuss provisional licensure changes. The public is welcome to attend and have attended to share their concerns or support for the changes. Furthermore, the public is invited to address the board via public comment.

In addition, in April 2023, the Board surveyed licensees and public members who subscribe to provide feedback about provisional license and alternative pathways. The Board received 3,994 responses. Many of the comments supported a national exam to maintain the professional integrity of the profession. However, there is also continued support for the provisional license as an alternative pathway to licensure.