

Minnesota Board of Social Work BIENNIAL REPORT Fiscal Years July 1, 1998 - June 30, 2000

Preface

Cost of Preparing Biennial Report

Minnesota Statutes, section 3.197 requires that "A report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any costs incurred by another agency or another level of government." It is estimated that Board of Social Work staff spent approximately 80 hours compiling information for and preparing this report, at an approximate cost of \$2,000.

I. General Information

A. Board of Social Work Mission and Major Functions

Board Mission

The mission of the Board of Social Work is "to ensure to the citizens of Minnesota quality social work services by establishing and enforcing professional standards." *Board of Social Work's Strategic Plan, dated September 1994.*

Major Board Functions

- 1. Establish and enforce minimum standards of licensure and continuing competency for social workers.**
 - Approve applicants for the licensure examination
 - Issue and renew licenses at four levels (baccalaureate and master's degree levels)
 - Establish, implement, and enforce standards for supervision
 - Review and approve continuing education reported by licensees
 - Evaluate the continued competency of licensees upon renewal
 - Review and approve continuing education sponsor applications

- 2. Establish and enforce minimum standards of ethical practice for social workers.**
 - Receive and investigate complaints against social workers
 - Make social work practice determinations
 - Investigate and take action against individuals engaged in the unauthorized practice of social work
 - Resolve complaints against social workers with corrective or disciplinary action as deemed necessary to protect the public
 - Monitor licensees who are under disciplinary orders and corrective action agreements
 - Provide assistance and support to licensees under disciplinary orders and corrective action agreements

3. **Provide information to applicants and licensees about (a) examination, licensure and renewal requirements, and (b) ethical standards.**
 - Publish and distribute licensure and student handbooks
 - Respond to written and telephone requests for information from applicants and licensees
 - Make presentations to social work students in accredited social work programs at colleges and universities throughout the state
 - Attend social work professional conferences to distribute written information, make formal presentations, and answer questions
 - Meet with supervisors and employers to discuss licensure requirements
4. **Provide information to the public about the scope of social work practice, ethical standards governing social workers, and the complaint process.**
 - Disseminate disciplinary information to the public as required by law
 - Respond to requests for data
 - Educate the public about the Board's responsibilities, including how to register a complaint and how the complaint process works
5. **Verify licensure status of social workers to employers, credentialing agencies, insurance agencies, and the public.**
 - Respond to telephone inquiries
 - Provide written verification

B. Major Board Activities During Biennium

The following major activities were accomplished by the board during the 1999-2000 biennium:

1. **Amendments to Board Rules**
 - Major revisions to the licensure and renewal standards governing social workers
 - Major revisions to supervision requirements for licensed social workers
 - Major revisions to the ethical standards governing licensed social workers
 - Increased application and licensure fees to eliminate budget deficit
2. **Changes to Internal Operations – Complaint Unit**
 - Implemented additional alternative dispute resolution (ADR) strategies in the complaint process
 - Upgraded computer database for complaint and disciplinary data
 - Integrated complaint and disciplinary data with licensure data
 - Reduced legal costs by exercising more authority in investigating complaints and drafting complaint-related documents
 - Created a Special Committee on Board Operations to review and make recommendations on streamlining complaint process
3. **Changes to Internal Operations – Licensure Unit**
 - Upgraded computer database for licensure data
 - Integrated licensure data with complaint and disciplinary data
 - Created a Special Committee on Board Operations to review and make recommendations on streamlining licensure and renewal processes
 - Reorganized job functions within the licensure unit to increase the efficient processing of applications and renewals

4. Changes to Internal Operations – Administrative

- Conducted a search to identify and appoint a new executive director
- Upgraded the ten-year-old computer system and developed a new database
- Collaborated with other health licensing boards on computer-related projects
- Installed an automated voice messaging system

5. Increased Outreach to Social Workers

- Developed a Web site to make information about the board and its functions widely available to applicants, licensees, and the public. The information on the Web site includes the board's statutes and rules, board meeting minutes, information about licensure and renewal, a list of approved continuing education programs, information about the board's complaint process, and updates on current issues.
- Provided educational programs throughout the state on licensure and ethical standards to students in baccalaureate- and master's-level social work programs accredited by the Council on Social Work Education (CSWE)
- Presented informational "board forums" to licensees at social work conferences and meetings throughout the state

C. Emerging Issues

1. Emerging Complaint Issues

Use of Alternative Dispute Resolution (ADR) to Resolve Complaints. The board is exploring alternatives to the current approach to complaint resolution. During the 1999-2000 biennium, board representatives met with an advocacy group of licensed social workers who are studying the board's complaint process, as well as the Minnesota Office of Dispute Resolution to obtain information on resources available to the board and to get additional ideas on ways to integrate ADR into the board's complaint resolution process. The challenge is to balance the board's statutory mandate to protect the public with (a) the profession's desire for a complaint resolution process that is less adversarial for the licensee and (b) the complaining party's need for a satisfactory remedy. If an appropriate alternative model for complaint resolution can be designed, the board anticipates seeking amendments to Minnesota Statutes, chapter 214.

Exemption of City, County, and State Agency Social Workers From Licensure Requirements. The exemption of city, county, and state agency social workers from licensure requirements, which has existed since the Social Work Practice Act was first passed in 1987, creates many public protection issues for the board, as well as professional responsibility issues for the social work profession. During the 1999-2000 biennium, the board received many complaints against social workers who are neither licensed nor required to be licensed because they work in county social service agencies. Many of these social workers are child protection workers or mental health case managers. The board has no jurisdiction to investigate these complaints, and there is no other neutral agency with jurisdiction over these individuals. Several social work organizations have expressed an interest in seeking legislative changes that would repeal the exemption of public agency social workers from licensure requirements. It is estimated that eliminating the public agency exemption would result in the licensure of approximately 2,000 currently unregulated social workers. Applying and enforcing minimum competency and ethical standards to all social workers, regardless of their practice setting, would enhance public protection and increase professional responsibility.

Use of Professional Consultants. The board has seen an increased need for consultants to review complaint cases at an early, evaluative stage. Social work practice spans a variety of settings, and often Board members do not have expertise in an area of practice under review. The board plans to utilize more neutral consultants in the future – both to evaluate cases and to assist the board in negotiating remedies in difficult cases.

2. Emerging Licensure Issues

Access to Accredited Academic Programs. The number of higher education social work programs accredited by the Council on Social Work Education (CSWE) has not changed since 1997, when Metropolitan State University gained accreditation for its baccalaureate-level social work program. Video conferencing is being used to improve students' accessibility to baccalaureate- and master's-level programs in Minnesota.

Impact of the Board's Recent Fee Increase. The board increased its application and licensure fees effective July 1, 2000. It is too soon to know how many licensed social workers may choose to terminate their licenses or let their licenses expire rather than pay the higher renewal fees. Similarly, it is not yet known how the fee increase may affect the number of new applicants, or current licensees applying for licensure at a different level.

Examination Issues for Applicants Who Speak English as a Second Language. Examination failure rates are high for applicants who speak English as a second language (ESL). This, in turn, has limited the number of licensed social workers available to serve the state's growing communities of color. Although the examination has been found by independent reviewing agencies to be free from bias, social work organizations are trying to identify ways to increase the examination pass rates for ESL candidates.

Need for Expanded Educational Efforts. The board is committed to increasing its outreach activities to social work students and licensees. Educational efforts are needed to increase understanding of licensure procedures, ethical standards, the complaint resolution process, the board's role in protecting the public, and to promote professional responsibility within the profession. This outreach will include participating in the preparation of a pilot curriculum module for use in social work academic programs, expanding the number of presentations to social work students throughout the state, expanding the reach of board forums at social work conferences around the state, meeting with groups within the social work community, meeting with employers of social workers, collaborating with professional associations, and developing informational brochures.

II. Board Members and Staff; Board Budget

A. Board Members

In accordance with the Social Work Practice Act, Minnesota Statutes, section 148B.19, the board has 15 members appointed by the Governor. These 15 members include:

- Five social workers licensed at the baccalaureate level
- Five social workers licensed at the master's level
- Five public members (*as defined in Minnesota Statutes, section 214.02*)

The Social Work Practice Act requires that ten members of the board be engaged in the practice of social work in Minnesota in the following employment settings:

- One from a state agency
- One from a county agency
- Two from a private agency
- One from a private clinical practice
- One educator engaged in regular teaching duties at an accredited program of social work
- One engaged in the practice of social work in an elementary, middle, or secondary school and licensed by the board of teaching
- One practicing social work in a licensed hospital or nursing home

In addition, of the 15 board members, at least five must have expertise in communities of color, and at least six must reside outside the seven-county metropolitan area. The following table shows the appointment positions held by current board members, as well as their residences and employment settings:

Appointment Position	Name	MN Residence	Employment Setting
BSW-level Social Worker	Kathleen Beehler, LSW	Bemidji	Hospital/Nursing Home
BSW-level Social Worker	Jane Braun, LSW	Saint Paul	County Agency
BSW-level Social Worker	Paul Gaston, LSW	Vadnais Heights	State Agency
BSW-level Social Worker	Margaret Sebring Khali, LSW	Granite Falls	School Social Worker
BSW-level Social Worker	Peter Langseth, LSW	Baudette	Hospital/Nursing Home
MSW-level Social Worker	Anthony Bibus III, LISW	Richfield	Educator
MSW-level Social Worker	Barbara Kaufman, LISW	Plymouth	Private Agency
MSW-level Social Worker	Marilyn Kiloran, LICSW	Motley	Private Agency
MSW-level Social Worker	Steven Sawyer, LICSW	Vadnais Heights	Private Clinic
MSW-level Social Worker	Marilyn Vigil, LICSW	Shoreview	Educator
Public Member	Miriam Bergmark	Lake Elmo	State Agency
Public Member	Debra Ledvina	Maplewood	State Agency
Public Member	Dan Lemon	Bemidji	Public School
Public Member	Lois McDougall	Rochester	Retired
Public Member	Bonnie Raleigh	Saint Paul	Retired

B. Board Staff

During the 1999-2000 biennium, the board employed the equivalent of 9.25 full-time (FTE) staff members -- six full-time and three part-time. The staff positions were distributed as follows:

Office Unit	Employees	Number of FTEs
Administrative Unit	Executive Director	1.0
	Clerical (office manager and receptionist)	1.25
	Student Worker	0.5
Licensure Unit	Professional (social workers)	1.5
	Clerical	2.5
Complaint Unit	Professional (investigator and compliance)	2.0
	Clerical	0.5
TOTAL		9.25

C. Receipts and Disbursements

The board's receipts and disbursements for the 1999-2000 biennium were as follows:

Item	FY 1999	FY 2000
Receipts (<i>total revenue from all sources</i>)	\$ 756,000	\$ 787,000
Disbursements (<i>total direct and indirect costs</i>)	964,000	862,000

D. Major Fees Assessed by the Board

The following table shows the major fees assessed by the board during the 1999-2000 biennium:

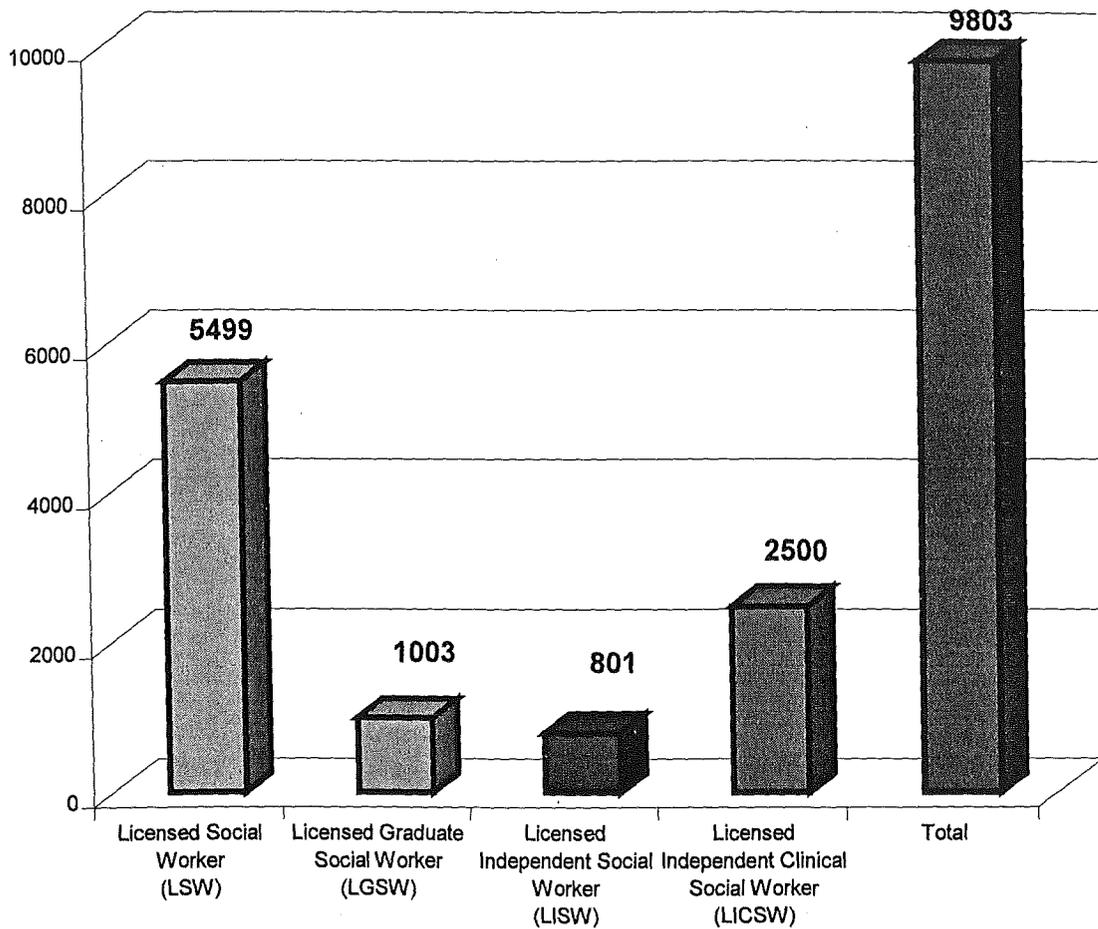
Fee	Amount
Application Fee (<i>one-time fee</i>)	\$ 30
Licensure and Renewal Fees (<i>payable every two years</i>)	
• Licensed Social Worker (LSW)	\$ 80
• Licensed Graduate Social Worker (LGSW)	140
• Licensed Independent Social Worker (LISW)	210
• Licensed Independent Clinical Social Worker (LICSW)	230

III. Licensing Statistics

A. Persons Licensed as of June 30, 2000

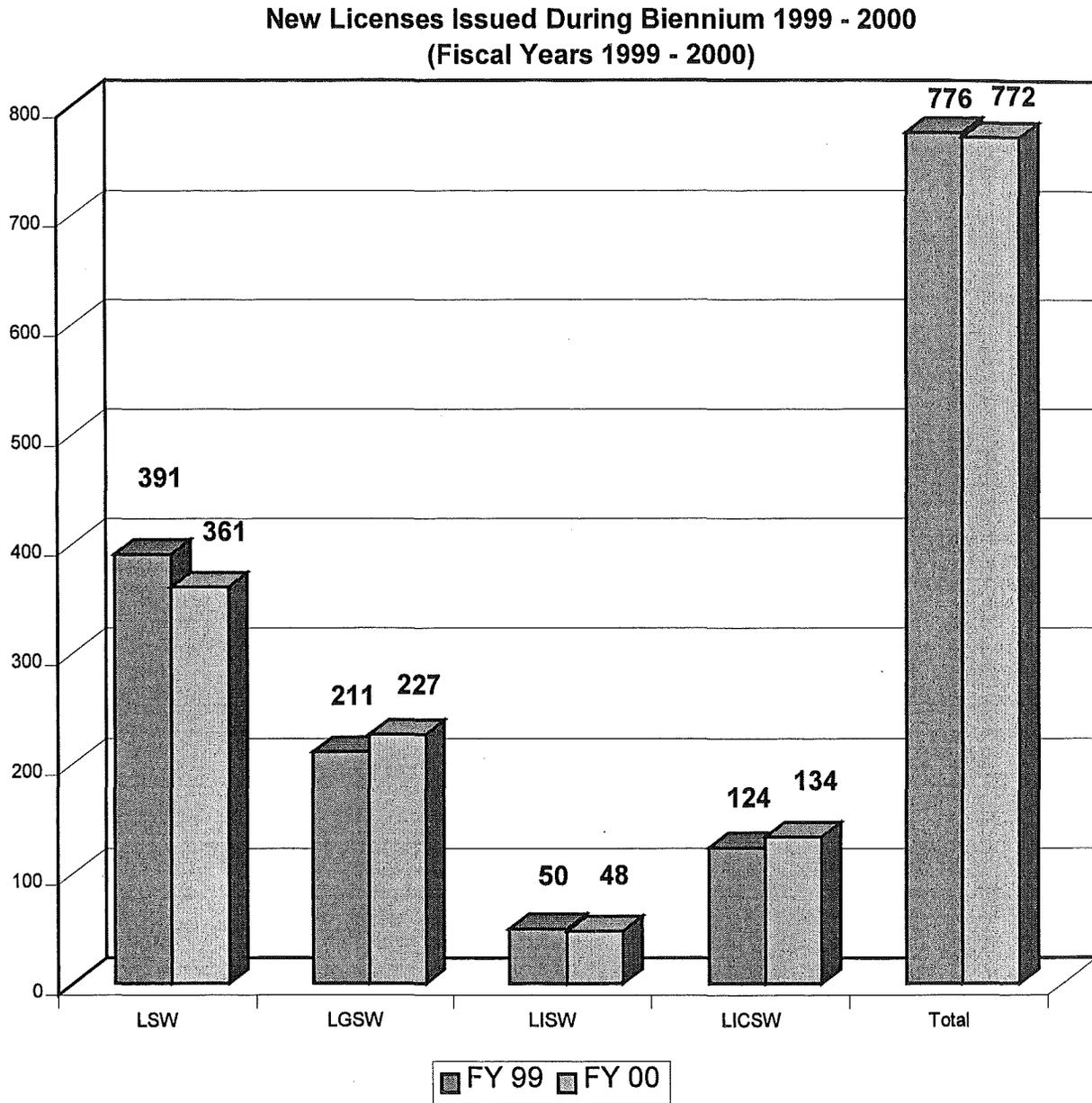
The following chart shows the number of social workers with current, active licenses as of June 30, 2000. As can be seen, more than half of all licensed social workers are licensed at the baccalaureate level.

Persons Licensed as of June 30, 2000



B. New Licenses Issued During Biennium

The following chart shows the number of new licenses issued (at each of the four levels of licensure) during the 1999-2000 biennium. As can be seen, the number of new licensees at each of the four levels has remained fairly stable.



IV. Complaints

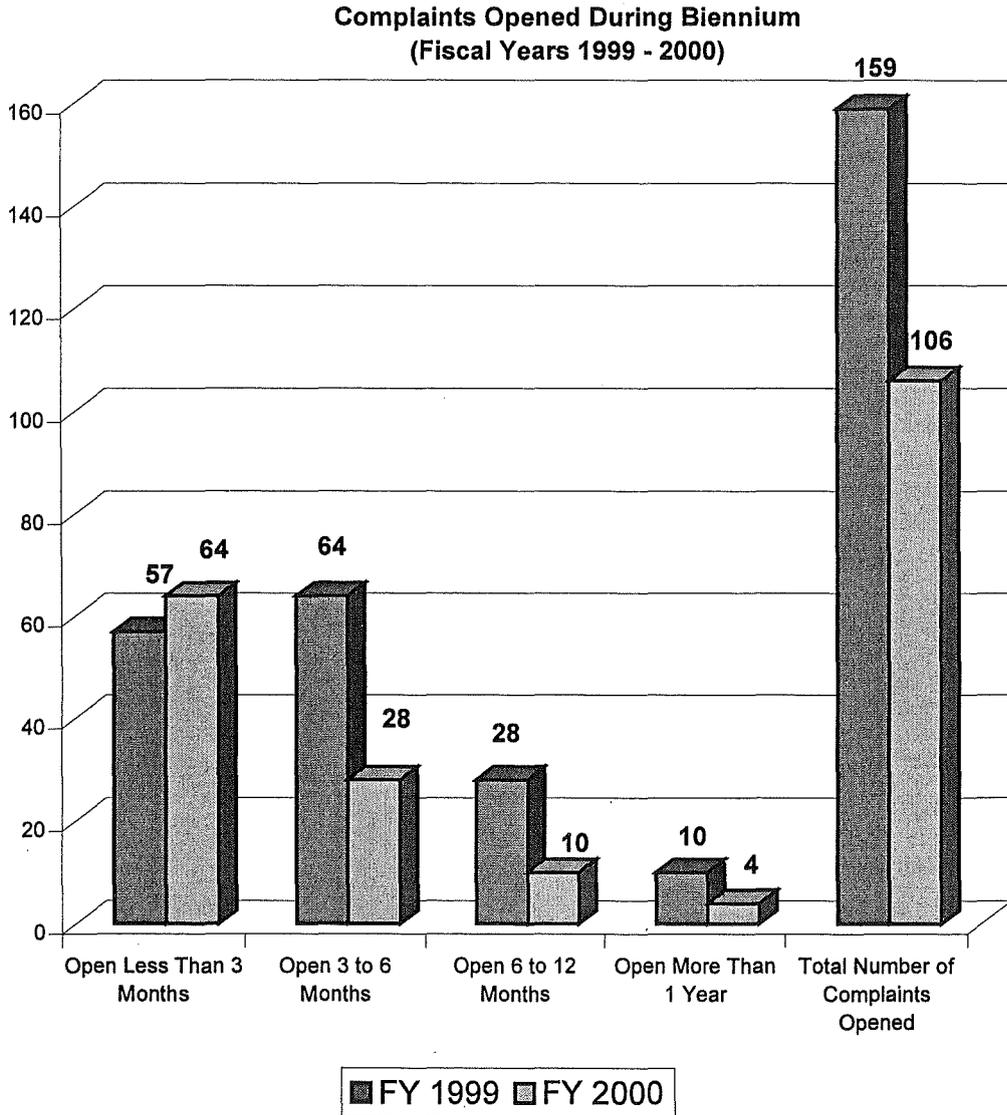
A. Complaints Received During Biennium

As the following table shows, during fiscal years 1999 and 2000, both the *total* and *relative* number of complaints decreased by about 18%.

Item	Complaints Received FY 1999	Complaints Received FY 2000	Increase/ Decrease FYs 1999-2000
Total Number of Complaints Received	159	106	-53
Number of Complaints Per 1,000 Regulated Persons	16	10	-6
Number of Complaints by Primary Allegation:			
• Non-jurisdictional allegations	19	11	-2
• Boundaries, non-sexual conduct (with client, former client, student, supervisee, intern, client family member)	2	7	+6
• Boundaries, sexual conduct (with client, former client, student, supervisee, intern)	8	5	-3
• Confidentiality issues	4	5	+1
• Failure to cooperate with board or investigation	0	1	+1
• Violations of other laws or rules related to social work practice	48	26	-11
• Failure to report (maltreatment of minors or vulnerable adults, misconduct of social worker or other professional)	5	5	<i>(no change)</i>
• Fee issues (bartering, fraud, other)	2	3	+1
• Impairment issues (chemical or illegal drug use, mental health, physical impairment)	15	9	-6
• Providing untruthful information on application or obtaining license by fraudulent means	15	10	-5
• Incompetent practice; exceeding lawful scope of practice	27	13	-9
• Engaging in social work practice or using social work title without a license	14	11	-2

B. Complaints Opened During Biennium

The following chart shows comparative data on the number of complaints opened during the 1999-2000 biennium. It should be noted that, of the complaints open for more than one year, the delays were caused by repeated unsuccessful attempts to negotiate remedies with licensees and their legal counsel.



C. Complaints Closed/Resolved During Biennium

The following table shows comparative data on the complaints closed/resolved during the 1999-2000 biennium. The board was able to increase its complaint-resolution rate by almost 20% during the biennium due to the filling of a clerical position in the Complaint Unit toward the end of fiscal year 1999.

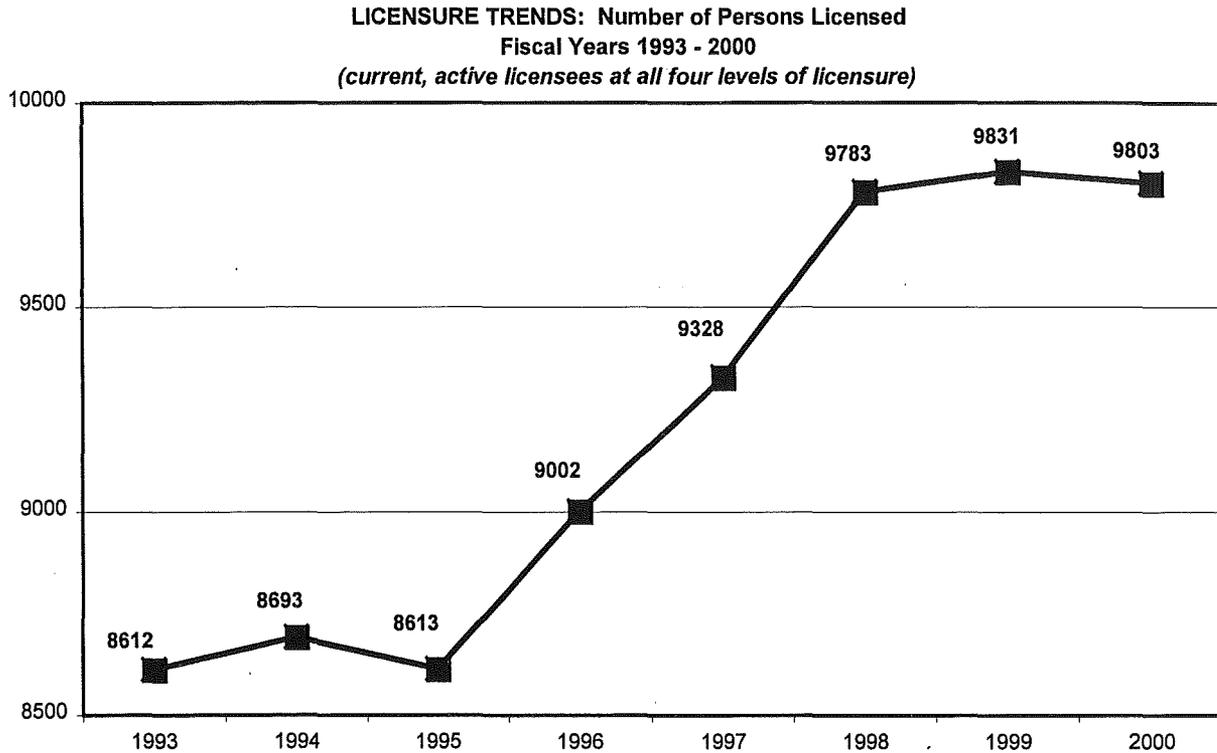
Item	Complaints Closed/Resolved in FY 1999	Complaints Closed/Resolved in FY 2000	Increase/Decrease FYs 1999-2000
Total Number of Complaints Closed/Resolved	173	206	+33
Type of Action Taken:			
• Revocation	1	0	-1
• Voluntary Surrender	2	3	+1
• Suspension	0	1	+1
• Restrictions, Limitations, Conditions	7	10	+3
• Civil Penalties	2	5	+3
• Reprimand	9	8	-1
• Agreement for Corrective Action	1	3	+2
• Cease and Desist Order	1	0	-1
• Referred to Health Professionals Services Program (HPSP)	5	9	+4
• Dismissed or closed	141	160	+19
Closed Cases Open More Than One Year*	23	7	-16

**NOTE: Of the closed complaints open for more than one year, the delays were caused by repeated unsuccessful attempts to negotiate remedies with licensees and their legal counsel.*

V. Trend Data as of June 30, 2000

A. Number of Persons Licensed Fiscal Years 1993 - 2000

The line graph below shows the number of licensees each year since 1993. The steep increase in licensees between 1995 and 1998 (from 8,613 to 9,783) is due, in large part, to the legislature's repeal in 1995 of a statute exempting hospital and nursing home social workers from licensure (Minn. Laws ch. 63, sec. 6).



B. Complaint Trends Fiscal Years 1993 – 2000

The first graph below compares the number of complaints received and the number of complaints closed each year since 1993. In fiscal years 1996-1997, and again in fiscal years 1999-2000, the board was able to eliminate backlogged complaints by hiring additional staff in the Complaint Unit – one full-time staffperson in October 1995 and one half-time staffperson in April 1998. The second graph shows the slightly fluctuating number of complaints per 1,000 licensees over the last four biennia.

