

LEGISLATION AND RULES COMMITTEE
FEBRUARY 23, 2023, 1 PM – 3 PM | VIRTUAL MICROSOFT TEAMS

Members Present:	Stephanie Jacobson, LSW Thomas Brooks Jolene Engelking, LISW Yolonda Rogers, LICSW	Members Absent:	Ken Middlebrooks, Public Member Mary Weaver, Public Member Donna Ennis, LSW
Stakeholders Present:	Karen Goodenough, LGSW Karen Frees, LICSW	Stakeholders Absent:	Elena Izaksonas, LICSW, MCSWE
Staff Present:	Youa Yang, LICSW Tammy Molitor Michelle Kramer-Prevost LISW, Rebecca Moskow, LD	Staff Absent:	NONE

MINUTES

1. Welcome & call meeting to order:

- Jacobson called the meeting to order
Motion to approve by Engelking and seconded by Rogers, motion carried.

2. Approve Minutes:

- Motion to approve January 26, 2023, minutes by Engelking and seconded by Rogers, motion carried.

3. Develop L&R 2023 Initiatives: [Yang]

- Appropriation to DHS for costs relating to DHS maltreatment study and elimination of duplicative background studies (2022 Session Law, Chapter 98, Sec. 65, 66, 70.)
 - This legislation was passed in the previous legislative session as an amendment to another bill. The cost is shared with HLBs. The initial bill was submitted without consultation with the HLBs. Executive directors wrote repeal language and submitted to revisor's office. One approach is have an agreement with DHS to allocate the money from general funds instead of the HLBs.

4. Suggested Legislative Proposals: [Yang]

- a. Provisional License MN Statute 148D.061- Children's Hospital and MHLN (Mental Health Legislative Network) is interested in a legislative proposal to remove from statute (1) *was born in a foreign country* [Attachment: Background of provisional license]
 - Board provided information regarding why there is interest in changing the provisional license. Recently, the Board received several variance requests from applicants who are struggling to pass the exam. The applicants are not foreign born but English is their second language. The Board consulted with the AGO's office regarding if the variance statute in 148E could apply to provisional license statute in 148D because the statutes are in different chapters. AGO's guidance is the variance statute language is specific only to 148E chapter.
 - The provisional license has existed for 20 years. It is exclusive to MN and is not recognized by other jurisdictions. It's unclear if it would be accepted by the proposed Social Work Compact. The intent of the provisional license was to increase diversity in the workforce for applicants who struggle to pass the exam, is foreign born, and communicates with English as their second language.

- Committee members including Board and public members discussed initially removing eligibility criteria 1) was born in a foreign country. There were concerns about what criteria the Board could utilize to evaluate English as a second language. Could English as a second language be defined further in statute?
 - Committee member proposed to also remove criteria 2) communicates in English as a second language.
 - There was discussion regarding how removing these 2 criteria could increase the diversity in the workforce by allowing more applicants to be licensed if applicants were struggling to pass the exam.
 - Discussion about the limitation of the provisional license. If BOSW decides to move forward with the social work compact, the provisional license is limited to practice in MN. Other limitation reported by licensees are the inability to be credentialed by managed care organization, unable to provide supervision towards licensure, and it is time limited to be completed within 3 years, etc.
 - Timeline for legislative proposal has first deadline of March 10th. Any proposal will have a short turnaround time.
 - Board staff informed committee of potential fiscal impact of this statutory change. Initial assessment would require increase staff time to process application because the provisional license is manual review. With an increase in application, ALIMS upgrade would be necessary to increase efficiency in reviewing application. Also, provisional license expense was not included in BOSW budget with the Governor's published budget. Unsure how much licensing fees could be collected because the Board does not know the number of licensees applicants.
 - Committee discussed if there should be additional changes to the statute to include increased supervision hours, continuing education hours added to the provisional license. Committee discussed details of CE requirements and if the supervisor needs to submit additional documentation. At this time the committee agreed to no change because these sections require rewriting the statute. Committee also discussed moving the 148D chapter to 148E. Committee agreed this is not the right time to ask for the chapter change.
 - Other states have alternate pathways. Texas HB2522 is proposing an alternate pathway bill.
 - Committee members recommend removing 1) was born in a foreign country; 2) communicates in English as a second language to further supports BOSW DEI mission. Also, it removes barriers to licensure and create access to the profession.
 - **Brooks – Motion to remove from §148D the following language (1) was born in a foreign country; and (2) communicates in English as a second language, Engelking – Seconded the Motion, Motion carried**
Need to be specific about effective date of proposed changes and specify if there is time limit from last application with failed exam score.
- b. MACMHP (MN Association of Community Mental Health Programs) and MHLN are interested in expanding social work exemption to include BSW working as mental health practitioners (MHP) under the supervision of a LICSW. Mental health practitioner as defined in MN Statute 245I.04 Subd. 4.
- The proposal is focused on increasing workforce in rural settings. Many use the title mental health practitioner not the social work title.
 - Some MHP may struggle to pass the exam, so they practice under 245I requirements because it does not require MHP to pass the exam.
 - Could the provisional licensure changes help with the workforce shortage?
 - The committee does not support expanding exemption. MHP are practicing within the scope of social work as defined in the practice act.
 - Expanding exemption will also affect the Board's ability to do their job effectively of "Protecting the public through licensing and regulation of the social work profession".

5. Outstanding 148E sections from 2021 Deep Dive:

a. Supervision Sections 148E.120 and 148E.125 [Attachment]

- Time did not allow for discussion on this topic.

6. Interstate Compact Update

a. Social Work – National Center for Interstate Compacts | The Council of State Governments (csg.org)

- SW Compact will be released by end of the month. Will review and discuss when SW Compact is release.

7. Recap & Action Items

Full Board support is needed to proceed with the provisional license proposed changes. Executive Director will contact the Board Chair to call the special board meeting to discuss the proposal. It will be a public meeting so the public may join the meeting.

8. Other Business

Goodenough with NASW shared that NASW received grant funding to offer scholarships for social workers to obtain licensure. It's part of NASW Diverse Workforce Initiative.

9. Adjourn

Meeting Adjourned at 3:01pm

2023 MEETING SCHEDULE

Legislation & Rules Committee meets monthly, on the 4th Thursday, from 1:00 – 3:00 pm, unless otherwise noted. Meetings are open to the public under Minnesota Statutes Chapter 13D.021 and held via virtual WebEx meetings.

January 26	May 25	September 28
February 23	June 22	October 26
March 23	July 27	November 23 (<i>Conflicts Thanksgiving</i>)
April 27	August 24	December 28

Board Members:

Stephanie Jacobson, LSW, Chair
 Thomas Brooks, Public Member
 Jolene Engelking, LISW
 Ken Middlebrooks, Public Member
 Mary Weaver, Public Member
 Yolonda Rogers, LICSW
 Donna Ennis, LSW

Board Advisory

Committee Stakeholders:

Karen Frees, LICSW, MN Coalition
 Karen Goodenough, LGSW, NASW-MN
 Elena Izaksonas, LICSW, MCSWE

Board Staff:

Youa Yang, LICSW, Executive Director
 Michelle Kramer-Prevost, LISW,
 Assistant Director
 Rebecca Moskow, JD, Compliance Unit
 Manager

COMMITTEE CHARGE UNDER BOARD BYLAWS & 2015-2018 STRATEGIC PLAN

1. Determine need to conduct review “deep dive” of Social Work Practice Act MS 148E and remaining MS 148D provisions to ensure: 1) public protection 2) relevant regulation, 3) licensure mobility, 4) create operational efficiencies where possible, 5) identify and consider potential barriers, 6) consider overall workforce issues, 7) consider possible incorporation of technology standards into Practice Act – how board regulates technology in practice
2. Reference:
 - a. ASWB/NASW technology
 - b. ASWB Model Law
 - c. ASWB Mobility Strategy referendum
3. Work to repeal county social worker licensing exemption, including clarification of use of social work title in county agencies