

MINNESOTA BOARD OF SOCIAL WORK

Report to the Minnesota Sunset Advisory Commission

This document is submitted pursuant to a request for additional information from the Sunset Commission, and contains Board data regarding Board Members and Membership; Board Organization; Salary; Licensing and Complaint Handling; Outcomes; and Public Function. Complete information can be found in the Minnesota Board of Social Work Self-Evaluation Report submitted December 2011.

Submitted by Kate Zacher-Pate, LSW, Executive Director

1/19/2012



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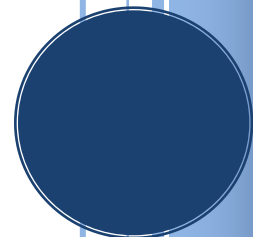
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1. Governance: Board Membership

Board members are appointed by the Governor.

Number of Board Members
15

Board Composition:

Male	Female	Residence: 11-County Metropolitan Area	Residence: Greater Minnesota	Licensed by Social Work Board	Public (not licensed by Social Work Board)
3	12	8	7	10	5

To carry out the Board's functions, Board members are appointed by the Governor to serve four-year terms, under Minnesota Statutes, Sections 15.0597 and 15.0575. Qualifications of the 15 Board members are listed in section 148E.025, and include:

- Five must be public members as defined in Minnesota Statutes, Section 214.02;
- Ten must be licensed as social workers at both the bachelor and graduate levels;
- Eight of the social work members must be employed in specific, representative practice settings;
- Six members must reside outside the 11-county metropolitan area; and
- Five members must have expertise in communities of color.

The Board of Social Work does not have any Ex Officio Positions from State Agencies or the Legislature, through bylaws or statute.

Board Activity: Number of Public Meetings Per Year

	Public Board Meetings	Committee Meetings	
2012	6 planned		Board members provided approximately 1306 hours of service in 2010, at an estimated value of \$130,600, reviewing complaints against licensed social workers, ensuring fiscal responsibility, developing policy, and educating the public to meet its mission of core public safety.
2011	5 ¹	37	
2010	6	49	
2009	6	50	
2008	6	52	
¹ July 2011 Board Meeting cancelled due to State Government Shutdown			

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2. Governance: Board Organization

The Board of Social Work was established in 1987 and operates according to laws passed by the Minnesota Legislature. The Board is mandated by Minnesota Statutes 214, 148E.001-148E.290, and 148D.061-148D.063, to perform the duties necessary to promote and protect the public health, safety, and welfare through the licensure and regulation of persons who practice social work in the state, including investigating complaints against licensed social workers and their practice.

Number of Staff (FTE) by year*

January 1, 2012	10.6
January 1, 2011	10.6
*Includes Executive Director, staff members on leave; does not include vacant positions, positions on hold, or positions abolished	

FTE of Executive Director (January 1, 2012): 1.0

3. Salary Roster Information

The salary roster information requested by the Commission for Board Staff is attached.

4. Governance: Licensing and Complaint Activity

Governance: Licensing Activity

Number of Licensees by Year

Year (fiscal year ending)	Total Number of Licensees in fiscal year	Number of Initial Applications in fiscal year	Number of Renewals in fiscal year *₁	Number of Denials (initial)	Number of Denials (renewal)
June 30, 2011	12,483	1,818	5,128	9 * ₂	365 * ₃
June 30, 2010	12,198	1,457	4,770	14 * ₂	388 * ₃
June 30, 2009	12,025	1,401	4,849	10 * ₂	447 * ₃

1 Licenses are renewed on a biennial birth-month schedule.

2 A total of 33 applicants were determined ineligible, as they did not meet academic requirements, in fiscal years 2009, 2010, and 2011.

3 A total of 1200 licenses were expired at the time of license renewal, for failure to apply for license renewal or failure to meet license renewal requirements.

As of January 1, 2012:

- Board of Social Work staff complement is 10.6 FTEs
- Total number of Board of Social Work licensees is 12,515
- Ratio of all staff to licensees is 1 staff person to 1181 licensees
- Ratio of licensing unit staff to licensees is 1 staff person to 3382 licensees
- Ratio of compliance unit staff to licensees is 1 staff person to 5594 licensees

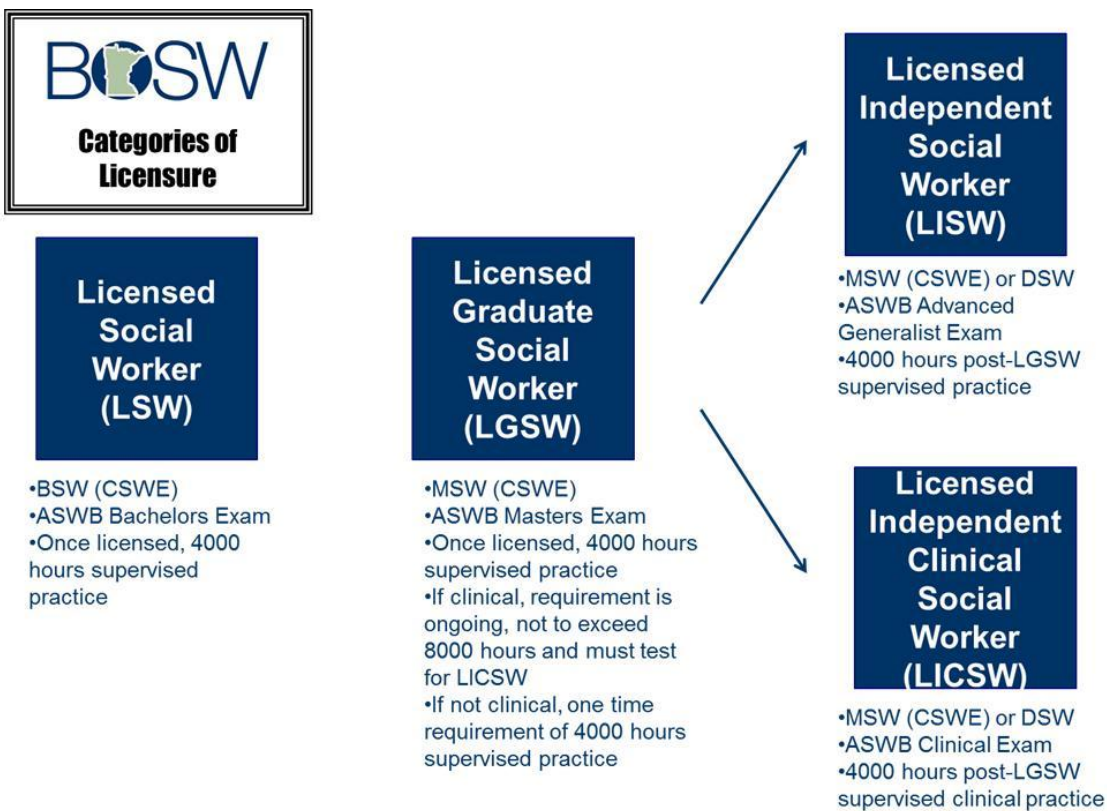
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Social Work License Categories

The Board licenses professional social workers in four different categories, at both the bachelor and graduate degree level, including:



These additional requirements apply to all license categories: Standards of Practice and ethical conduct, continuing education, and Minnesota Bureau of Criminal Apprehension background check.

Governance: Complaint Activity

In the 23 years since the Legislature created the Board of Social Work, the Board has received and investigated more than 3,000 complaints from clients, former clients, employers, and the public (more than 100 per year) and has taken corrective or disciplinary action against 332 social workers. There are currently more than 12,000 licensed social workers and the Board, in 23 years, has licensed nearly 21,000 persons. Given that complaints have been filed against one in seven social workers and that about two percent of total licensees have been subjected to corrective or disciplinary action is a testament to the quality and thoroughness of the vetting process.

The Board's statistics indicate that more than 58% of all cases are resolved in less than three months, 74% of all cases are resolved in less than six months, and 84% are resolved within one year. The few cases that take longer are serious enough to require an Attorney General investigation, an educational meeting, or an investigative conference with the meetings sometimes occurring after the Attorney General investigation. The very few cases

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that take longer than one year to resolve are generally those cases that require an Attorney General investigation or that must be resolved through a contested case hearing.

The Panels hold educational meetings and investigative conferences with licensees that do not result in corrective or disciplinary action. A total of 21 educational meetings and investigative conferences were held from July 1, 2009 to June 30, 2010, and 29 occurred from July 1, 2010 to June 30, 2011. These meetings are not tracked in statistical charts. These conferences and meetings allow the Panels to meet with licensees face-to-face and close the complaint when it determines that the licensee made a one-time error or has, since the error, taken appropriate remedial action to reduce the risk of re-offense; thus, public protection goals are met.

Year (fiscal year ending)	Number of complaints filed in fiscal year	Number of complaints resolved ≤ 30 days	Number of complaints resolved 31-90 days	Number of complaints resolved 91-180 days	Number of complaints resolved 181-365 days	Number of complaints resolved in 9 -18 months	Total
June 30, 2011	137	* ₁	63	46	* ₁	28	100%
June 30, 2010	106	* ₁	62	17	* ₁	22	95%
June 30, 2009	123	* ₁	65	26	* ₁	26	95%

*1 Data is not kept in these date parameters.

5. Measurable Outcomes: Efficacy of Board Licensing and Complaint Activity

An important but difficult to quantify benefit or outcome of regulation is cost avoidance. Ensuring standards in social work practice helps to manage long-term costs for health care and human services, and protects against liabilities that may result from lack of regulation, legal fees, etc. It is impossible to anticipate and quantify externalities and associated costs which may result from absent regulations. Applying a cost benefit analysis model to evaluate social work regulation may not be the most appropriate tool.

Subsequent Complaints

The existence of a Board that accepts, investigates, and resolves complaints reduces the likelihood of additional complaints being brought against the same practitioner.

- The Board took corrective or disciplinary action against 91 licensed social workers from FY 2002 through FY 2011.
- Subsequent complaints have been filed against only 2 of these 91 licensed social workers. *This is a recidivism rate of 2.2%.*

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- 33, or 36.2%, of these 91 licensed social workers were permanently or temporarily removed from practice by revocation or suspension of their licenses to protect the public. Of these 33 revoked or suspended licensed social workers, 7, or 22.2%, later met the Board's requirements to return to practice.
- 30, or 33%, of these 91 licensed social workers were permitted to continue practice, but were subjected to corrective action or to conditions or limitations on their licenses.
- 28, or 30.8%, of these 91 licensed social workers were reprimanded. These cases involved a significant violation requiring public action, but corrective action, conditions, or limitations were not required to protect the public.

Health Professionals Services Program

The Board participates in the Health Professionals Services Program (HPSP), which enhances public protection and provides support for regulated health care professionals whose ability to practice with reasonable skill and safety may be impaired due to illness.

The goal of the HPSP's trained professional staff is to assess a participant's chemical, medical, and mental health, to determine whether impaired professionals can practice safely and, if so, under what conditions and limitations. HPSP monitors the practice of impaired professionals and removes those participants from practice whose impairment prevents them from practicing safely. In many cases substandard practice is caused by or related to a social worker's impairment instead of being caused by lack of education or misconduct. The Board finds that the most effective way to protect the public from substandard practice due to impairment is to ensure, via the HPSP, that the social worker's impairment is treated and monitored. Thus, the Board's participation in the HPSP effectively protects the public by ensuring treatment, monitoring, and removal from practice, when required.

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Data regarding licensed social worker participation in HPSP follows in the next table, which identifies the source of referrals to the program, and the outcomes related to discharge from the program.

Social Work	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	TOTALS
REFERRALS																
Board Non-Discipline	0	0	5	6	5	0	5	3	2	1	2	2	4	2	8	45
Board Discipline	1	1	2	1	0	1	3	0	1	2	2	2	0	0	0	16
Self	0	5	1	1	1	9	6	1	3	5	4	8	3	9	2	58
Third Party	0	0	2	1	1	1	1	1	0	2	5	0	4	0	4	22
TOTAL	1	6	10	9	7	11	15	5	6	10	13	12	11	11	14	141
DISCHARGES																
Completion	0	1	0	3	3	2	5	3	2	6	4	1	1	6	2	37
Voluntary Withdraw	0	0	0	1	1	1	3	1	0	2	1	2	1	1	1	14
Non-Compliance	0	0	1	0	0	3	1	3	0	0	0	1	1	1	2	11
Deceased	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ineligible - Monitored	0	0	3	1	1	1	0	1	1	1	1	1	0	0	1	11
Ineligible - Not Monitored	0	0	1	1	1	0	0	0	0	1	2	2	1	1	2	10
No Contact	0	0	0	0	3	0	0	1	0	0	1	1	0	1	1	7
Non-Cooperation	0	1	0	1	0	0	1	0	1	3	2	2	4	0	0	15
Non-Jurisdictional	0	0	0	0	1	0	2	2	1	0	1	2	0	2	3	11
TOTAL	0	2	5	7	10	7	12	11	5	13	12	12	8	12	12	128

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Educational Outcomes

Standardization of educational curriculum, and competence through testing based on Board requirements prepares qualified professionals. The Board offers presentations to educate students on the education requirements, license requirements, and standards of practice. The Association of Social Work Boards (ASWB), incorporated in 1979 and devoted to consumer protection, is the association of jurisdictional boards that regulate social work. ASWB develops and maintains the standardized social work licensing examinations and is a central resource of information. There are four ASWB tests – Bachelors, Masters, Advanced Generalist, and Clinical – designed to measure competency at different educational and experience levels.

The following table identifies the total number of national licensing examinations administered, and the total number of examinations passed, in years 2008, 2009, 2010, and 2011. The table further compares the Minnesota examination passing rate to the North American passing rate, for all four categories of examinations, and demonstrates Minnesota's excellent performance.

ASWB Examinations Administered to Minnesota Candidates 2008-2011

	Number of Exams				Number of Exams Passed				Passing Percentage				North American Pass Rates			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Bachelors	431	393	431	477	354	322	357	376	82%	82%	83%	84%	67%	69%	69%	Data not
Masters	336	394	419	430	290	328	369	401	86%	83%	88%	93%	58%	58%	59%	verified
Advanced Generalist	18	31	29	56	13	24	23	51	72%	79%	79%	91%	47%	47%	48%	at this
Clinical	263	271	290	335	213	234	243	297	81%	86%	84%	89%	63%	61%	62%	time

*Data represents total number of exams administered and total number of exams passed.

Comparisons: Licensed Professions and Unlicensed Professions

According to the Association of Social Work Boards (ASWB), all 50 states, 10 Canadian provinces, the District of Columbia, Puerto Rico, and the Virgin Islands regulate the practice of social work through licensure or certification programs established under state boards or regulatory agencies.

Anthony A Bibus III, PhD, LISW, and Needha Boutte-Queen, PhD, in their book, *Regulating Social Work: A Primer on Licensing Practice*, state that “lawmakers in every state have deemed it to be in the public interest to regulate social workers in order to protect residents of their states”.

In 2007 the Legislature required the Board to “study and make recommendations to the Legislature by December 15, 2008, on how to increase the numbers of licensed social workers serving underserved communities and culturally and ethnically diverse

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communities. The study shall also explore alternative paths to licensure that does not include a standardized examination.”

In 2008 the Board contracted with Lindsey Alexander, B.A., M.M.P., and Bill Johnston, B.S., M.A, to perform this research. It was found that “licensing does make a difference – more perhaps for groups/institutions than for individuals, but it does make a difference. If an institution is licensed, the public can usually be guaranteed that it has more access to ancillary services and has a longer-term record. Both of these characteristics of institutions are correlated with long-term successful outcomes. Regarding individuals, licensing tends to show knowledge and academic background. Licensed individuals are also more likely to be involved in ongoing professional development...”

They also reported that “another area in which licensing has been demonstrated to show differences is in cultural sensitivity. Licensing examinations with appropriate multicultural measures do effectively predict who will show more cultural sensitivity in the workplace.”

Comparisons: Public Sector Licensing and Complaint Resolution and Possible Private Sector Regulation

Social workers provide services to some of the most vulnerable populations in the state. If an individual is seen by a licensed social worker, the client can be assured that the licensed social worker meets education, examination, supervision, continuing education, and ethical standards of practice. The client can also be assured that if the social worker fails to meet the standards established by law, the client can file a complaint with the Board.

This Board, as other health boards, was created as a legislative response to concerns of the public regarding the safe practice of health practitioners and was supported by health professionals who wanted to ensure minimum standards of competence.

Currently, no state has a private system of health regulation, nor has any state determined that health practitioners should be free to practice without enforceable standards. This is likely due to the potential for serious consequences and public harm that might result from maintaining a public health system without governmental oversight or a private for-profit system of health regulation.

The public benefits because the boards exist as government entities. The public can know that the boards share the common values and practices of other government agencies; have direct oversight of their activities provided by the Legislature and by the public; involve citizens as Board members; guard the integrity of Board activities without concern for private profit motives; avoid conflicts of interest; require openness and transparency of their activities; are responsive and readily accessible; and participate in a common shared society benefit.

Government exists to serve – and protect – the public. Licensing boards exist to protect and serve the public by regulating professions – ensuring the qualifications of licensees and

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investigating allegations of wrongdoing. Private enterprise exists for the benefit of the shareholder. Thus, professional licensing administered by a private entity would, by definition, not protect and serve the public as its primary mission. Professional associations exist to promote and protect the profession. Thus, by definition, their primary interest is the promotion and protection of the profession, rather than protecting the public. For these reasons, regulation of professionals is, appropriately, a responsibility of the State of Minnesota.

Testimonial: Independent Boards Compared to Composite Boards

1/12/12 - An LICSW Minnesota licensee called for assistance. He was attempting to become licensed as a clinical social worker in the state of Washington, where they have a composite board – Washington State Department of Health. He reported that when he reached a person at the Washington Board and asked about how he might become a licensed social worker in their state, he was told to “just read the law that is online”. When he asked if there might be a person he could talk to, he was told “No, just read what is online.” He finally contacted the Minnesota Board to ask if we could be of any assistance in helping him understand the process of becoming licensed in Washington, because our Board had always been so helpful.

Testimonial: Access and Customer Service

1/11/12 - Another caller was licensed in Minnesota and attempting to apply for a social work license in Virginia. She needed information regarding Minnesota’s statutory requirements regarding the supervised practice requirements and who was qualified to be a supervisor when she became licensed 25 years ago. Staff was able to direct her to the Board Statute Archive section on the Board’s website, where she was immediately able to get the information she needed. She said the Virginia Board had been difficult to work with and she so much appreciated the prompt and excellent customer service she had always received from the Minnesota Board of Social Work.

Summary

The Board’s core public safety mission is to *ensure residents of Minnesota quality social work services by establishing and enforcing professional standards*. The Board protects the public with an effective, efficient, and nationally-recognized regulatory model.

Thank you for the opportunity to provide additional information for consideration.