

## FILING A COMPLAINT

### Board of Social Work Complaint Investigation and Resolution Process

## WHAT IS THE BOARD OF SOCIAL WORK?

- The Board's mission is to **protect the public** by:
  - Enforcing the Social Work Practice Act ([Minnesota Statutes Chapter 148E](#))
  - Licensing social workers that are qualified, professional, ethical, and accountable
  - Investigating and resolving complaints when services do not meet statutory standards
- Licensing provides safeguards for the public in the event that professional standards are not met

## WHEN IS A SOCIAL WORK LICENSE REQUIRED?

- If a person has a social work degree, a license is required to **provide social work services** as defined in [Minnesota Statutes section 148E.010](#), subdivisions 6 or 11, or **use the title social worker**, unless they are employed by a county or a federally recognized tribe

## HOW DO I KNOW IF SOMEONE IS LICENSED?

- Use the [Public License Lookup](#) at the Board's website to find out:
  - If a social worker is licensed
  - If the license is current
  - What type of license they have
  - If there has been public action against the license
  - If there are any restrictions or conditions on the license

## WHAT IS A COMPLAINT?

- A complaint is a report that a social worker may have violated the Social Work Practice Act
- You can file a complaint with the Board if a licensed social worker:
  - Mistreated a client in any way
  - Was dishonest in providing services or billing
  - Released information without consent
  - Did not provide appropriate treatment
  - Did not practice safely and competently
  - Developed a personal relationship with a client
  - Has an illness that impairs their ability to practice safely
- The Board's authority to investigate complaints is limited to:
  - Individuals licensed by the Board of Social Work
  - Applicants for licensure by the Board of Social Work
  - Individuals practicing social work or using the title social worker without a license

*The Board has no authority over unlicensed county social workers, as social work licensure for individuals employed with the county is voluntary under Minnesota law*

## HOW DO I FILE A COMPLAINT?

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- Download the [Complaint Registration Form](#) from the Board's website
  - Complaints must be filed in writing
  - Complaints may be submitted via email, fax, mail, or delivered to the Board's office
- Submit the [Complaint Registration Form](#) with a detailed description of your concerns about the social worker and any information you think the Board should know, for example:
  - What happened? Who did what, where, when, and why?
  - Were other social workers involved? Were there any witnesses? If so, describe each person's involvement or role
  - Provide as much detail about the people involved as you can (full name, address, phone number, place of employment, social worker's license number and/or type, etc.)
  - Arrange information in date order or some other logical way as if you are explaining the situation to someone who knows nothing about it
  - Include copies of any documents that might help the Board understand your complaint

## WHAT WILL THE BOARD DO WITH MY COMPLAINT?

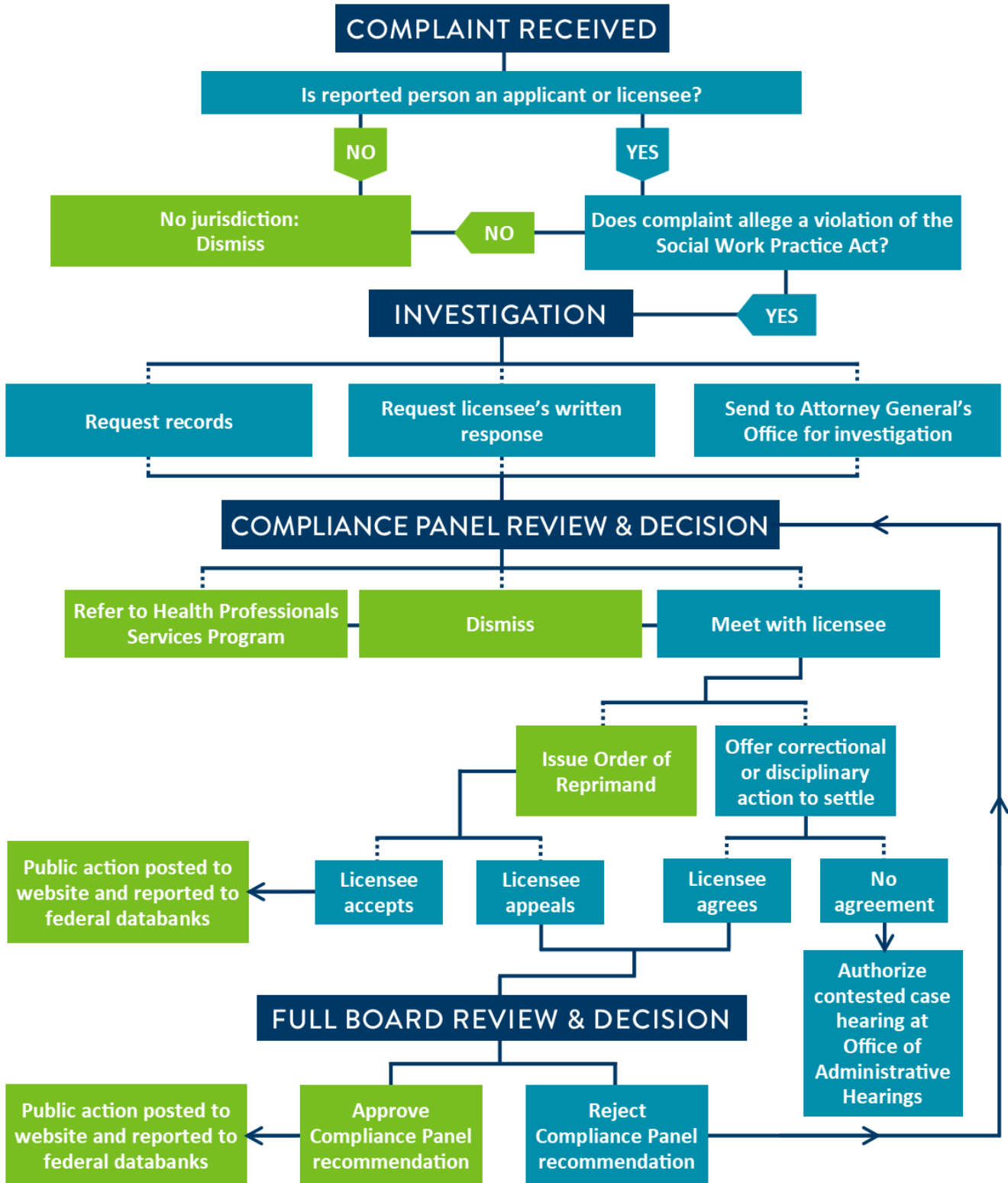
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- When the Board **receives a complaint**, the Board will:
  - Verify if the person is licensed, an applicant for licensure, or calling themselves a social worker to determine if the Board has jurisdiction (the legal authority to investigate the complaint)
  - Determine if the complaint alleges a violation of the Social Work Practice Act
  - The Board will respond to you in writing within 14 days of receiving your complaint
- Next, if the Board has jurisdiction, and the complaint alleges a violation of the Social Work Practice Act, the Board **investigates the complaint**:
  - The Board may contact you for more information
  - The Board will contact the social worker for a response to the allegations
    - **Your identity is confidential—the Board will *not* tell the social worker who filed the complaint**
  - In some cases, the Board may ask the Office of the Attorney General to investigate
- Board members **decide the outcome**:
  - The Board has two Compliance Panels each made up of four board members, including three social workers licensed by the Board and one public member (not licensed as a social worker)
  - Compliance Panel members review findings of the investigation and decide the outcome on a case-by-case review—every case is reviewed based on the individual facts
  - The Compliance Panel may decide to meet with the licensee to learn more about their understanding of the law and appropriate social work practice
  - Some things the Compliance Panel members consider are:
    - Severity of the violation
    - Licensee's current ability to practice
    - Whether the licensee has a history of disciplinary or corrective action by the Board
    - How best to protect the public
  - If the Panel recommends disciplinary action, the full Board must vote to approve the action
- The Board will **notify you of the outcome** once the Compliance Panel has made a decision:
  - Complaint data is non-public
  - If the Panel takes disciplinary or corrective action against the licensee, that document is public and posted to the [Board's website](#)
  - A final decision may take several months

## WHAT ARE THE POSSIBLE OUTCOMES OF A COMPLAINT?

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- **Non-public complaint outcomes:**
  - **Dismissal** - if there is not enough evidence or Board members determine action is not needed to protect the public
  - **Referral** - to the [Health Professionals Services Program \(HPSP\)](#) if the licensee has an illness that impacts their ability to practice safely
  - If a complaint is dismissed or referred to HPSP, the Government Data Practices Act (Minnesota Statutes Chapter 13), makes the data private, so you will be notified of the outcome, but the amount of information that can be provided to you is limited by law
  
- **Public complaint outcomes:**
  - **Corrective action** - if the licensee needs training and Board members agree additional education will effectively protect the public
    - Corrective actions are public, non-disciplinary agreements between the licensee and the Compliance Panel and do not require a vote of the full Board
    - Usually involves education or specialized training
  - **Disciplinary action** - if the licensee has violated the Standards of Practice and Board members agree action is needed to protect the public, which can include:
    - Civil penalty
    - Fee for investigative costs
    - Reprimand
    - Supervised practice or education
    - Limitations on the licensee's practice
    - Removal from practice through suspension or revocation of license
    - Requires approval of full Board



*Note: All data in the complaint process is nonpublic except public actions which are posted to the Board's website.*