



---

## ABOUT THE COMPLAINT PROCESS

One of the main responsibilities of the Board of Social Work is to ensure that licensed social workers comply with Minnesota law – that they’re qualified, professional, ethical, and accountable. The Board enforces the Social Work Practice Act, Minnesota Statutes section 148E, and other federal and state laws related to social work practice. The Board does this by investigating and resolving complaints filed against social workers. The Board does this primarily through complaints made by clients, colleagues, including other social workers and licensed health professionals, employers, and from information that the Board gets in applications for licensure, applications for license renewal, and supervision verification forms that social workers file with the Board.

### **Before You Make a Complaint**

If you have a concern about the practice of a social worker, there are several steps that you may take if you need additional information:

- **Telephone the Board at 612.617.2100, 888.234.1320 (toll-free), or 800-627-1359 (TTY) to find out if the social worker is licensed.** The Board doesn’t have the authority to investigate or to take corrective or disciplinary action against persons who aren’t licensed unless they’re practicing social work in a non-exempt setting or using the title “social worker” illegally. Board staff can tell you whether the social worker is licensed and, if not, whether the Board has jurisdiction over an unlicensed person.
- **For instant license information 24/7, please visit the Board’s website, [www.socialwork.state.mn.us](http://www.socialwork.state.mn.us), and click on “SEARCH/VERIFY A LICENSE” to find out if the social worker is licensed.**
- **Look at the laws governing social work practice.** The Compliance Panel or the Board decides if a report is factually valid and whether the acts or conduct that you allege violate Minnesota law. But many people find reviewing the law helpful in deciding whether they should make a complaint with the Board and what kind of information to give the Board with their complaint. You can find the Social Work Practice Act, Minnesota Statutes chapter 148E, at [www.socialwork.state.mn.us](http://www.socialwork.state.mn.us) or at the Revisor of Statutes’ website, [www.revisor.mn.us](http://www.revisor.mn.us).

- **Call the Board at 612.617.2100, 888.234.1320 (toll-free), or 800.627.1359 (TTY) if you need help.** Board staff can't tell you whether or not a social worker violated Minnesota law, what action the Board may take, or how long an investigation may take. That decision is made by the Board's Compliance Panels or by the full Board after a complete investigation. But we can help you decide what information to include with your complaint.

## **How to Make a Complaint**

- **Download the "Social Worker Report Form"** at [www.socialwork.state.mn.us](http://www.socialwork.state.mn.us). We need the information on the *Social Worker Report Registration Form* to open the complaint, to know how to contact you, to decide if the social worker is licensed, and to know how to contact the social worker. You can also telephone the Board and we'll mail the form to you.
- **Give as much information about the social worker as possible.** This includes his or her complete name, employer, address, and telephone number. We need this information to identify and find the social worker and determine whether he or she is licensed and whether the Board has jurisdiction over his or her social work practice.
- **Give as much information about what happened as possible.**
  - Give complete details about what happened - who did what, where, when, and why.
  - If there's more than one social worker involved, or if there are witnesses, describe what each person's involvement or role was – who did or knew what and when.
  - Identify all people by complete names, providing their addresses with ZIP codes and telephone numbers with area codes.
  - Arrange information in chronological order or some other logical way.
  - If you can, please type your complaint. If you can't, please print it neatly in black or blue ink using one side of the paper only. Please don't bind or staple your report, put it in a notebook, or put the pages in plastic sleeves.
  - You can send your complaint by e-mail, fax, hand-delivery, or United States Mail. But the Board needs only one copy. Please don't send multiple copies.
  - Please give us copies of any documents that you have that you think explain your complaint. *Please don't send original documents to the Board.*

## What Happens When You Make a Complaint

- ***The Board confirms in writing that we've received your complaint or asks you for more data within two weeks.***

***Board staff contacts the social worker and asks for his or her response to your complaint.*** We ask for the social worker's response in two weeks. Occasionally more time is needed for the social worker to provide us with all the data that we've asked for. In some cases, the Board asks the Attorney General to do the investigation. *Your identity is always confidential throughout the entire process. But if the Board holds a hearing, you may need to be a witness.* We may ask for the social worker's records, which may include your health, mental health, and social service records if they're relevant. All information that the Board gets is confidential while the investigation is open. No one outside of the Board or the Attorney General has access to it. The data is private when the investigation is complete. Only you or persons who you authorize have access to it.

- ***A Compliance Panel of four board members reviews your complaint, records that you give us, the social worker's written response, including any records that the social worker gives us, and the Attorney General's investigative report if the Board asks the Attorney General to do the investigation.*** This review usually happens within a month after the social worker's response or the Attorney General's investigation is done.

## How Compliance Panels Resolve Complaints

- ***The Compliance Panels consider many factors in making their recommendation.*** In order to take corrective or disciplinary action against a social worker, the Panel or the Board must conclude that he or she violated Minnesota law. The Panel considers the facts – who did what. It then applies the facts to the law. Did what the Panel determined to have happened constitute a violation of Minnesota law?

If the Panel decides that acts or conduct that violates Minnesota law happened, there are a number of further considerations: Was the social worker's action or conduct intentional? Or was it caused by lack of ethics or knowledge? Was there client or public harm and, if so, how much? What type of remedy is needed to protect the public? The Panel and the Board consider these and other questions in determining the appropriate action, if any, to take.

- ***If your complaint is closed, we'll send you a letter explaining why.*** The Professional Licensing Act, Minnesota Statutes section 214, requires the Board to tell you that it closed your complaint. The Government Data Practices Act, Minnesota

Statutes chapter 13, makes that data private. Therefore, if the Panel closes your report, the amount of information that the Panel can provide to you is limited by law.

- ***If the Compliance Panel proceeds, it has several options.*** These include holding either an educational meeting or an investigatory conference with the social worker or, if it needs more information, asking the Attorney General to investigate your complaint.
- ***Educational Meetings.*** Educational meetings are held in cases where the Panel doesn't anticipate proposing disciplinary action, believes that corrective action might be needed, and wants to meet with the social worker face-to-face to probe, in depth and in person, the social worker's understanding of the law and appropriate social work practice.

Educational meetings are typically held within two months after the Panel's first review of your report and the social worker's response or the completion of the Attorney General's investigation. After an educational meeting, the Panel may close your complaint, it may propose an agreement for corrective action, or it may learn that the problem is more serious than it originally thought and hold an investigative conference or ask the Attorney General to conduct an investigation if one hasn't been done already.

- ***Investigatory Conferences.*** Investigatory conferences are held in cases where the Panel anticipates the possibility of proposing disciplinary action, believes that corrective or disciplinary action may be needed, and wants to meet with the social worker face-to-face to probe, in depth and person, to probe the social worker's understanding of the law and appropriate social work practice.

Investigative conferences are usually held within two to four months after the Panel's first review of your report. After an investigative conference, the Panel may close your complaint, it may propose an agreement for corrective action, it may propose disciplinary action, or it may ask the Attorney General to do an investigation if one hasn't been done already.

- ***Attorney General Investigation.*** If the information in your complaint and that it received from the social worker isn't enough to resolve the complaint, the Panel can ask the Attorney General to do an investigation. This is a field investigation with personal interviews of witnesses. This may include you, the social worker, and other witnesses. It may also involve getting documents that might include your health, mental health, and social service records. The investigator prepares a report of his or her investigation for the Board's attorney. After he or she reviews it, the investigation goes to the Panel, which decides what action, if any, to take.

- **What The Compliance Panel Does With This Information.** In order to take corrective or disciplinary action against a social worker, the Panel or the full Board must conclude that he or she violated Minnesota law. The Panel considers the facts – who did what. It then applies the facts to the law. Did what the Panel determined to have happened constitute a violation of Minnesota law? If the Panel decides that a violation did occur, there are a number of further considerations: Was the social worker’s action or conduct intentional? Or was it caused by lack of ethics or knowledge? Was there client or public harm and, if so, how much? What remedy needs to be imposed to protect the public? The Panel considers these and other questions in determining the appropriate action, if any, to take.
- **Dismissal.** The Professional Licensing Act, Minnesota Statutes section 214, requires the Board to tell you that it closed your report. The Government Data Practices Act, Minnesota Statutes chapter 13, makes that data private. Therefore, if the Panel closes your complaint, the amount of information that the Panel can provide to you is limited by law.

If any of the following actions are taken, you’ll be provided with the final action that the Board takes:

- **Agreements for Corrective Action.** *Agreements for Corrective Action* are public but non-disciplinary actions taken by the Compliance Panel when it believes that a social worker violated Minnesota law and disciplinary action isn’t required. *Agreements for Corrective Action* are voluntary agreements between the Licensee and the Panel and are not approved by the full Board. *Agreements for Corrective Action* generally involve education and supervised practice. *Agreements for Corrective Action* are reported to the Association of Social Work Boards and are accessible to licensing agencies in all American states and territories and Canadian provinces through ASWB’s Public Protection Databank. They are also reported to the federal Department of Health and Human Services’ *National Practitioner Data Bank* of health care providers as required by federal law.
- **Stipulations and Orders.** *Stipulations and Orders* are public disciplinary actions. Disciplinary action is taken when the Panel and full Board believe that a social worker has violated Minnesota law. *Stipulations and Orders* may include a reprimand, education, supervised practice, restricted practice, suspension of license, voluntary surrender of license, revocation of license, administrative costs, and civil penalties. This will depend upon the nature of the offense and the Panel’s and the Board’s view on what action is needed to protect the public. *Stipulations and Orders* are voluntary agreements between the social worker and the Panel and are submitted to the full Board for approval. *Stipulations and Orders* are not final and effective until approved by the full Board. *Stipulations and Orders* are reported to the Association of Social Work Boards and are accessible to licensing agencies in all American states and territories and Canadian provinces through ASWB’s Public Protection Databank. They

are also reported to the federal Department of Health and Human Services' *National Practitioner Data Bank* of health care providers as required by federal law and, in cases of revocation or suspension, to the Department of Health and Human Services' Office of Inspector General.

- **Mediation.** Mediation is a less formal way of resolving your report when the Panel and the social worker haven't been able to reach an agreement as described above. There are a variety of forms of mediation and the Panel, in consultation with the social worker, will choose the method that's most appropriate to the circumstances. Mediation is voluntary. Therefore, the Panel can only proceed to mediation if the social worker agrees to it.
- **Litigation.** Litigation is a more formal way of resolving your report when the Panel and the social worker haven't been able to reach an agreement as described above. Litigation, known as a contested case hearing, can be started by the Panel without the agreement of the social worker. The hearing is held before an independent administrative law judge. He or she listens to witness's testimony, reads documents submitted as exhibits, and makes findings of fact, conclusions of law, and a recommendation to the full Board. A final hearing, limited to oral argument and a review of the record (hearing transcript and exhibits), is held before the full Board, which makes the final decision.
- **A Note about Impaired Professionals.** The *Health Professionals Services Program* is a non-disciplinary diversion program for health professionals, including social workers, whose ability to practice may be impaired by chemical dependency or by mental or physical illness. The HPSP permits these professionals to continue to practice under strict monitoring and supervision, by the HPSP and by an worksite monitor but may also condition, restrict, or prohibit continued practice. For more information about the HPSP, please contact the HPSP directly:

Health Professionals Services Program  
1380 Energy Lane, Suite 202  
Saint Paul, Minnesota 55108  
Telephone: 651-643.2120  
Web: [www.hpsp.state.mn.us](http://www.hpsp.state.mn.us)