

## LEGISLATION AND RULES COMMITTEE MINUTES

February 25, 2021 – 1:00 pm – 3:00 pm – Virtual WebEx

### REMOTE MEETING ACCESS

- **WebEx Video Meeting Notice:** Committee members receive meeting information via email.
- **Phone Option for Members of Public:** Dial 1-415-655-0003 - **access code = 187 010 2612 - password = HbmiBpx3R93**
- Contact Lisa Martinez at [lisa.martinez@state.mn.us](mailto:lisa.martinez@state.mn.us) with questions

### COMMITTEE MEMBERS

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**Board Members Present:** Stephanie Jacobson, LSW, Interim Chair; Angie Hirsch, LICSW, Chair; Jolene Engelking, LISW; Ken Middlebrooks, Public Member; Shawn Yates, Public Member

**Board Members Absent:** Thomas Brooks, Public Member; Donna Ennis, LSW

**Board Advisory Committee Stakeholders Present:** Karen Goodenough, LGSW, NASW-MN; Karen Frees, LICSW, MN Coalition

**Board Advisory Committee Stakeholders Absent:** Elena Izaksonas, LICSW; MCSW

**Board Staff Present:** Kate Zacher-Pate, LSW, Executive Director; Megan Gallagher, JD, Regulations Analyst; Michelle Kramer-Prevost, LISW, Assistant Director; Kimberly Doran, LICSW, Social Work Licensing Coordinator

### AGENDA

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- 1. Welcome and call meeting to order: [Jacobson] [Attached]**
  - a. Jacobsen called the meeting to order at 1:05 p.m.
- 2. Minutes: [Jacobson] [Attached]**
  - a. The December 3, 2020, minutes were approved.
- 3. Update Mental Health Workforce Improvement Group (MHWIG) and HF 970 [KZP] [E-File Attached]**
  - a. Zacher-Pate provided an update on HF970/SF1362. The bill has passed through two committees in the House and is awaiting a hearing in Commerce Committee. No hearings yet in the Senate.
  - b. Behavioral health EDs continue to consult and collaborate with authors given amendments to Practice Act and fiscal impact for CE changes and participation in four workgroups.
  - c. EDs also met with Chief Author Representative Vang last week to discuss possible changes to structure, effective dates, and other changes needed related to implementation.
  - d. Goodenough noted that NASW will be sending legislative updates to members and requested continued updates with any proposed changes from the Behavioral health EDs.

#### 4. Public Comment

- a. There were no members of the public present.

#### 5. Supervised Practice Review – Sections 148E.100 LSW and 148E.105 LGSW Not Engaged in Clinical Practice: [Staff] [Attached]

- a. Committee welcomed Licensing Coordinator Kimberly Doran to the committee for duration of the work on the supervised practice sections.
- b. Kramer-Prevost provided a summary of the sections to be covered today. She noted that the sections marked in purple have not been reviewed by staff yet as they relate to areas of plans and verifications that will be covered later.
- c. 148E.100, subd. 1-4 & 6 and 148E.105
  - i. Kramer-Prevost noted that the language proposed is designed to clarify supervised practice requirements and reduce redundancy.
  - ii. One proposed change is to remove the limit on supervision conducted via eye to eye electronic media. This is consistent with the variance that has been in place during the current State of Emergency and appears to be working well. It also increases access to supervision.
  - iii. Staff also recommends adding some definitions including defining group supervision, to clarify who can be in the group and what is the maximum number of individuals allowed in a group. Zacher-Pate noted the goal is to reduce barriers and take into consideration that social workers work in multidisciplinary settings. Limiting groups to only social workers creates a barrier. Middlebrooks asked whether there was data or national standards with regard to supervision.
  - iv. Staff does plan to research data on whether there is data to demonstrate a group is no longer effective beyond a certain size. But Zacher-Pate noted there is very little research regarding the efficacy of specific numbers of supervision.
  - v. Goodenough questioned whether one-on-one supervision is as clear as using the term individual supervision. Kramer-Prevost noted could think about adding a definition for these terms either for individual or one-on-one, especially given that other boards define individual supervision differently.
  - vi. Goodenough noted that it will be important to think about group supervision from a non-clinical perspective as well noting that group supervision should be more about what is happening during the supervision rather than who is present. Gallagher noted adding some clarification about the content of supervision along with who is there may assist in getting a definition that does not increase barriers but maintains the standards for supervision.

#### 6. Policy Discussion: 148E.106 LGSW in Clinical Social Work Practice; Staff Recommendations:

- a. Adjust total number of supervision hours from 200 to 150
  - i. Still require one-half to be individual supervision (75 hours)
- b. Allow 100% of supervision hours via electronic means
  - i. Individual, group or phone
- c. Remove the 8000-hour maximum clinical practice hours

- d. Kramer-Prevost presented the high-level recommendations from staff related to clinical supervised practice standards. She noted staff has not gone through the language yet, but requested committee feedback and input regarding the proposed changes.
- e. Zacher-Pate provided history of the current 200 hour requirement noting it was part of the 2007 clinical standards increases across the mental health professions that took effect in 2011. She noted that this proposal will require additional vetting to ensure that there are no unintended consequences with regard to billing and credentialing.
- f. Goodenough noted that there is risk to making the LICSW the outlier in MN even if we currently are on the high end of other social workers nationally.
- g. Committee members discussed that reducing hours could improve workforce issues by getting individuals to the LICSW faster. Staff noted under current 200 hours requirement, LGSWs take 3-5 years to get to LICSW.
- h. Staff also explained the recommendation to remove the maximum number of hours of clinical practice at the LGSW level. This maximum was designed to promote LGSWs to move to the LICSW quickly rather than remaining at the LGSW.
- i. There is no competency reason for the maximum number of hours and under the current number of hours there are people who may not get to the 200 hours until they reach the 8,000 maximum. Freese noted that removing this maximum is a way to remove an unnecessary barrier and create additional flexibility for individuals and agencies to move to the LICSW at their own rate. Because they are still supervised, there is no risk additional risk to this. Zacher-Pate noted the maximum practice hours is an artificial barrier and the marketplace has demonstrated that there is already a push for individuals to move to the LICSW without this practice hour maximum.
- j. Committee consensus to remove the 8,000 practice hour maximum for LGSWs while maintaining the supervised practice requirement for LGSWs engaged in clinical practice.
- k. Goodenough requested that staff include more detail and rationale regarding the reduction to 150 hours of supervised practice to be eligible for the LICSW so that the committee can better understand the impact.

## **7. Recap & Action Items**

- a. Staff will add more information to rationale for recommendation to reduce number of supervised practice hours required for LICSW eligibility for more discussion at next meeting.
- b. Staff will continue to review supervised practice sections and bring recommendations to the committee.
- c. Staff will work to create a group supervision definition and consider defining one-on-one supervision as well.

## **8. Other Business**

- a. No other business.

## **9. Adjourn**

- a. Meeting adjourned at 2:32 p.m.

### 2021 MEETING SCHEDULE

L&R Committee meets monthly, on the fourth Thursday, from 1:00 – 3:00 pm, unless otherwise noted. Meetings are open to the public under Minnesota Statutes Chapter 13D and held at the Board office.

January 28 <i>cancelled</i>	May 27	September 23
February 25	June 24	October 28
March 25	July 22	November TBD
April 22	August 26	December TBD

### 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 standards
  - 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

## LEGISLATION AND RULES COMMITTEE MINUTES

March 25, 2021 – 1:00 pm – 3:00 pm – Virtual WebEx

### REMOTE MEETING ACCESS

- **WebEx Video Meeting Notice:** Committee members receive meeting information via email.
- **Phone Option for Members of Public:** Dial 1-415-655-0003 - Access code: 187 333 9222 Password: HtY9TibhE84
- Contact Lisa Martinez at [lisa.martinez@state.mn.us](mailto:lisa.martinez@state.mn.us) with questions

### COMMITTEE MEMBERS

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**Board Members Present:** Stephanie Jacobson, LSW, Interim Chair; Angie Hirsch, LICSW, Chair; Jolene Engelking, LISW; Donna Ennis, LSW; Ken Middlebrooks, Public Member

**Board Members Absent:** Thomas Brooks, Public Member; Shawn Yates, Public Member

**Board Advisory Committee Stakeholders Present:** Karen Goodenough, LGSW, NASW-MN; Elena Izaksonas, LICSW; MCSWE

**Board Advisory Committee Stakeholders Absent:** Karen Frees, LICSW, MN Coalition

**Board Staff Present:** Kate Zacher-Pate, LSW, Executive Director; Megan Gallagher, JD, Regulations Analyst; Michelle Kramer-Prevost, LISW, Assistant Director, Kimberly Doran, LICSW, Social Work Licensing Coordinator

### AGENDA

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- 1. Welcome and call meeting to order: [Jacobson] [Attached]**
  - a. Jacobsen called the meeting to order at 1:07 p.m.
- 2. Minutes: [Jacobson] [Attached]**
  - a. February 25, 2021 minutes approved.
- 3. Update Mental Health Workforce Improvement Group (MHWIG) and HF 970/SF 1362 [KZP]**
  - a. Zacher-Pate provided an update to the Committee on HF970. The bill has completed the hearing process in the House and laid over for possible inclusion in the house omnibus bill. Executive Directors from the behavioral health boards worked with author to successfully amend certain provisions including reducing 6 CEs in DEI down to 4; extend the deadlines for the task force reports; and a few other changes related to statutory organizational structure and operationalizing the new CEs at each board.
- 4. Public Comment**
  - a. There were no members of the public present.

**5. Supervised Practice Review – Sections 148E.106 LGSW and 148E.110 LISW; Engaged in Clinical Practice: [Staff] [Attached]**

a. Staff Recommendations:

i. 148E.106

1. Kramer-Prevost summarized the additional changes to language and structure in the LGSW clinical practice sections. A lot of the redlining is sections being moved around to add clarity. New recommendations include removal of the verification subdivision as that is already included in the documentation of supervision section.
2. Middlebrooks asked about the “eye-to-eye electronic media, while maintaining visual contact” language and whether it was redundant to include visual contact. Engelking also noted the reference to visual contact is ableist language as well.
3. Zacher-Pate noted this language has not been reviewed in over a decade.
4. Goodenough noted there are also parts of the state where video may not be an option due to internet connectivity and perhaps it makes sense to include more electronic media platforms with or without video.
5. Staff will go back and review whether there is a better way to capture multiple technologies for conducting supervision. Staff can also review whether there is some standardized language in other statutes and clarify that it is phone or online platform. Staff will also explore whether to add something to definitions section.
6. Zacher-Pate clarified the structure used by staff in recommending changes to these sections and ensuring that consistent language is used throughout and all the relevant parts in the same place. For example, all the supervisor requirements will be in one place, not in multiple sections as it is now.
7. Zacher-Pate suggested staff could create a clean copy of the changes with the bullets describing the changes for easier review at meetings.
8. Goodenough asked what the impact to reducing supervision hours from 200 to 150 hours would be and whether there would likely be opposition. Kramer-Prevost noted the reduction would mean social workers complete less supervision than other MN behavioral health professionals but is also much closer to social work standards on a national level.

ii. 148E.110

1. Kramer-Prevost noted there were several changes recommended to this section as it currently includes redundancies and irrelevant provisions. The goal is to clarify that an LISW can do clinical social work practice only under supervision. The supervision requirements mirror the requirements for an LGSW engaged in clinical social work practice and they have the same requirements for the path to LICSW as an LGSW.
2. Committee members reported some confusion about what is being discussed in the LISW supervision section and Zacher-Pate suggesting changing the section title to clarify that this is only for LISWs involved in clinical social work, as LISWs in nonclinical do not need supervision.
3. Staff will revisit these sections to clarify the references to the 150 hours versus the 4-6 rate over every 160 practice hours because as it currently reads, there is reference to data missing from the subdivision.

**6. Recap & Action Items**

- a. Staff will review “eye to eye electronic media, while maintaining visual contact” and attempt to find clear, more inclusive language around technology options during supervision.
- b. Staff will create a clean copy of the supervision changes (without track changes) to allow committee to review the changes in an easier to read format and confirm that language communicates.
- c. Staff will review at add new language in 148E.110 to ensure that there is enough context for an LISW engaged in clinical social work practice.

**7. Other Business**

- a. Goodenough noted that she received a report that Ramsey County sent a notice to employees about the term “grandfathering” and its racist origins and a request to no longer use the term. Goodenough will share an article about the issue with the committee and asked to keep this in mind if the committee moves toward bringing in new licensees through different licensure requirements in the future.
- b. Goodenough shared a news article explaining the history.  
<https://www.npr.org/sections/codeswitch/2013/10/21/239081586/the-racial-history-of-the-grandfather-clause>

**8. Adjourn**

- a. Meeting adjourned at 2:41 p.m.

<b>2021 MEETING SCHEDULE</b>		
L&R Committee meets monthly, on the fourth Thursday, from 1:00 – 3:00 pm, unless otherwise noted. Meetings are open to the public under Minnesota Statutes Chapter 13D and held at the Board office.		
January 28 <i>cancelled</i>	May 27	September 23
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March 25	July 22	November TBD
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<b>COMMITTEE CHARGE UNDER BOARD BYLAWS &amp; 2015-2018 STRATEGIC PLAN</b>		
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		
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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		

## LEGISLATION AND RULES COMMITTEE MINUTES

April 22, 2021 – 1:00 pm – 3:00 pm – Virtual WebEx

### REMOTE MEETING ACCESS

- **WebEx Video Meeting Notice:** Committee members receive meeting information via email.
- **Phone Option for Members of Public:** Dial 1-415-655-0003 - Access code: 187 014 6357 Password: 57Npkdd7nFY
- Contact Lisa Martinez at [lisa.martinez@state.mn.us](mailto:lisa.martinez@state.mn.us) with questions

### COMMITTEE MEMBERS

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**Board Members Present:** Angie Hirsch, LICSW, Chair; Thomas Brooks, Public Member (joined via phone at 2 p.m.); Jolene Engelking, LISW; Ken Middlebrooks, Public Member; Shawn Yates, Public Member

**Board Members Absent:** Stephanie Jacobson, LSW, Interim Chair; Donna Ennis, LSW; Shawn Yates, Public Member

**Board Advisory Committee Stakeholders Present:** Karen Goodenough, LGSW, NASW-MN; Karen Frees, LICSW, MN Coalition

**Board Advisory Committee Stakeholders Absent:** Elena Izaksonas, LICSW; MCSWE

**Board Staff Present:** Kate Zacher-Pate, LSW, Executive Director; Megan Gallagher, JD, Regulations Analyst; Michelle Kramer-Prevost, LISW, Assistant Director, Kimberly Doran, LICSW, Social Work Licensing Coordinator

### AGENDA

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- 1. Welcome and call meeting to order: [Jacobsen] [Attached]**
  - a. Hirsch chaired the meeting in Jacobsen's absence.
  - b. Hirsch called the meeting to order at 1:07 p.m. and noted that a quorum was not present.
  - c. Brooks joined the meeting at 2:01 p.m. and Hirsch noted a quorum was present.
- 2. Minutes: [Attached]**
  - a. March 25, 2021 were not reviewed as a quorum was not present at time item considered.
- 3. Update HF 970/SF 1362 [KZP]**
  - a. HF970 continues to be in house omnibus and could become a part of the final budget compromise. The bill did not receive a hearing in the senate.
  - b. Zacher-Pate noted that the legislative timeline for when this committee can move forward with supervision changes is largely dependent on what happens in current legislative session. If the supervision workgroup is incorporated into final Omnibus bill and enacted, staff



recommends waiting to move forward any changes to supervision pending the work of the group.

- c. If no supervision work group is enacted, this committee could consider moving supervision changes in 2022 session. Governor's office would likely need to see the proposal no later than September, so this committee would need to get full Board approval at July board meeting.

#### **4. Written Public Comment [Staff] [Attached]**

- a. Board received a letter in public comment requesting that the Board continue the variance that removes the requirement for some in-person supervision. The current variance related to COVID expires in February 2022. This change has been incorporated into the recommendations for changes to supervision.

#### **5. Supervised Practice Review "Clean" copies: [Staff] [Attached]**

- a. Staff Recommendations:
  - i. 148E.100 LSW Supervised Practice
  - ii. 148E.105 LGSW Not Engaged in Clinical Practice
  - iii. 148E.106 LGSW Engaged in Clinical Practice
  - iv. 148E.110 LISW Engaged in Clinical Practice
  - v. 148E.115 LICSW Supervised Practice (Repeal)
  - vi. 148E.125 Documentation of Supervised Practice
- b. Kramer-Prevost noted staff created "clean" versions of the recommended changes that does not include the track changes to make them easier to read and understand.
- c. Staff noted recommended changes to the language to describe the technology option for conducting supervision rather than the "eye-to-eye electronic media" currently used. Members had a discussion regarding whether the new language was plain language enough. Staff noted the language chosen comes directly from telehealth initiatives at the legislature and that the descriptions and discussions about this in brochures will be more plain language. Members agree that this language is an improvement over the current language.
- d. Goodenough noted the Social Work Coalition discussed the consideration of a reduction in clinical supervision hours from 200 to 150. Coalition has some concerns about being an outlier from other MN licensed mental health professions and would only be in support of a reduction if it is done concurrently with other professions. Concerns are that it could impact credentialing through DHS and other insurance companies. Coalition is also concerned that a reduction will create a perception that LICSW is less than other licensed professionals which is already an issue in some practice areas. The coalition is supportive of making licensure more accessible but does not want to make changes in isolation.
- e. Zacher-Pate thanked the coalition for the feedback. Zacher-Pate noted that the hours recommendation for clinical practice is not finalized and the credentialing issue had not yet been fully researched. Zacher-Pate agreed that this kind of change ideally would be a uniform standard.
- f. Middlebrooks noted it may be helpful to have a conversation with other MN mental health boards to see what their reaction to any possible reduction in supervision hours would be. Goodenough noted that there is also a lack of data currently around the number of hours that is effective for supervision.
- g. Hirsch requested a motion that the hours required for independent clinical licensure remain at 200 hours and revisit any recommendations for reduction in the future only in collaboration

with the other licensed mental health providers. Brooks seconded the motion. The motion passed. Staff will change the recommendation to remain at 200 hours. Kramer-Prevost noted the recommendation was really based on the fact that going to 200 hours significantly lengthened the amount of time it takes to get to the LICSW (~2 years in the past and ~3-4 years now), but staff agrees a collaborative approach carries less risk.

- h. Kramer-Prevost presented 148E.125 and noted this section now contains plans and verification and instructs licensees what they need to provide to the board to show compliance with supervision requirements. In verifications, staff is recommending language changes to clarify that the board approves the supervision rather than giving the discretion to the supervisor. Kramer-Prevost also noted that supervision content requirements were added in each section and the language on those was changed a bit. Zacher-Pate noted the structure of each section is designed to inform the licensee the requirements that are needed for supervision up front; hours, types, supervisor, licensee responsibility, and content.
- i. Gallagher noted some minor changes to content areas to clarify the requirements and ground them in the Board’s role.
- j. Committee members also had a discussion about clarifying what supervisors are signing off on when they sign a verification and shifting the expectation that the supervisee needs to demonstrate highest standards, or the supervisor can’t sign off.
- k. Staff also noted the recommendation to remove 148E.115 as LICSW does not need supervision and the section is not needed. Staff noted that rationale for the change is to add clarity; there will only be parts of the statute that speak to licenses that actually require supervision.

**6. Ongoing Policy Review:**

- a. Develop definition of Group Supervision
- b. Review and recommendations for MS 148E.120 Requirements of Supervisors

**7. Recap & Action Items**

- a. Staff will correct typo in 148E.105, subd. 6 to reflect *non-clinical* not clinical practice.
- b. Staff will change the clinical supervision hours requirement to 200 hours (the current standard).

**8. Other Business**

- a. There was no other business.

**9. Adjourn**

- a. Hirsch adjourned the meeting at 3:04 p.m.

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