

A bill for an act

relating to health; modifying psychology practice provisions; amending
Minnesota Statutes 2008, sections 148.90, subdivision 1; 148.909; 148.915;
148.916, subdivision 1, by adding a subdivision; Minnesota Statutes 2009
Supplement, section 62M.09, subdivision 3a.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2009 Supplement, section 62M.09, subdivision 3a,
is amended to read:

Subd. 3a. **Mental health and substance abuse reviews.** (a) A peer of the treating
mental health or substance abuse provider, a doctoral-level psychologist, or a physician
must review requests for outpatient services in which the utilization review organization
has concluded that a determination not to certify a mental health or substance abuse
service for clinical reasons is appropriate, provided that any final determination not to
certify treatment is made by a psychiatrist certified by the American Board of Psychiatry
and Neurology and appropriately licensed in this state or by a doctoral-level psychologist
licensed in this state ~~if the treating provider is a psychologist~~.

(b) Notwithstanding paragraph (a), a doctoral-level psychologist shall not review
any request or final determination not to certify a mental health or substance abuse service
or treatment if the treating provider is a psychiatrist.

(c) Notwithstanding the notification requirements of section 62M.05, a utilization
review organization that has made an initial decision to certify in accordance with the
requirements of section 62M.05 may elect to provide notification of a determination to
continue coverage through facsimile or mail.

~~(e)~~ (d) This subdivision does not apply to determinations made in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.

Sec. 2. Minnesota Statutes 2008, section 148.90, subdivision 1, is amended to read:

Subdivision 1. **Board of Psychology.** (a) The Board of Psychology is created with the powers and duties described in this section. The board has 11 members who consist of:

(1) three individuals licensed as licensed psychologists who have doctoral degrees in psychology;

(2) two individuals licensed as licensed psychologists who have master's degrees in psychology;

(3) two psychologists, not necessarily licensed, one with a doctoral degree in psychology ~~who represents a doctoral~~ and one with either a doctoral or master's degree in psychology representing different training program programs in psychology, ~~and one who represents a master's degree training program in psychology;~~

(4) one individual licensed or qualified to be licensed as: (i) through December 31, 2010, a licensed psychological practitioner; and (ii) after December 31, 2010, a licensed psychologist; and

(5) three public members.

(b) After the date on which fewer than 30 percent of the individuals licensed by the board as licensed psychologists qualify for licensure under section 148.907, subdivision 3, paragraph (b), vacancies filled under paragraph (a), clause (2), shall be filled by an individual with either a master's or doctoral degree in psychology licensed or qualified to be licensed as a licensed psychologist.

(c) After the date on which fewer than 15 percent of the individuals licensed by the board as licensed psychologists qualify for licensure under section 148.907, subdivision 3, paragraph (b), vacancies under paragraph (a), clause (2), shall be filled by an individual with either a master's or doctoral degree in psychology licensed or qualified to be licensed as a licensed psychologist.

Sec. 3. Minnesota Statutes 2008, section 148.909, is amended to read:

148.909 LICENSURE FOR VOLUNTEER PRACTICE.

Subdivision 1. **Application.** Retired providers who are or were licensed, certified, or registered to practice psychology in any jurisdiction may apply to the board, at its discretion, may grant for licensure for volunteer to practice to an applicant who:

psychology as a licensed psychologist-volunteer provided the applicant meets the following requirements and the requirements in subdivision 2:

(1) ~~is completely retired from the practice of psychology~~ submits to the board a notarized application for licensure as a licensed psychologist-volunteer;

(2) ~~has no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction~~ is of good moral character and has no complaints or corrective or disciplinary action pending in any jurisdiction; and

(3) ~~has held a license, certificate, or registration to practice psychology in any jurisdiction~~ is not currently licensed by the board, passes the most recent version of the professional responsibility examination administered by the board, and pays the fee associated with sitting for the examination; and

(4) pays the nonrefundable fee for licensure established in subdivision 8.

Subd. 2. **Education requirements.** An applicant who was formerly licensed by the board must meet the education, training, and experience requirements that were in place at the time of the original license. An applicant who was not formerly licensed by the board must meet the current requirements for licensure.

Subd. 3. **Pro bono service.** A provider licensed under this section shall only provide psychological services on a pro bono basis and shall not receive a commission, rebate, or remuneration, directly or indirectly, except that a provider may accept reimbursement for reasonable expenses incurred due to the provision of volunteer psychological services.

Subd. 4. **Documentation of status.** A provider licensed under this section shall receive a license documenting that they are licensed for volunteer practice.

Subd. 5. **Designation of license.** In addition to the descriptions allowed in section 148.96, providers granted licensure under this section shall use the designation "LP-V" to a designated licensed psychologist-volunteer.

Subd. 6. **Return to previous licensure status.** Providers licensed under this section who request to return to their previous licensure status may do so upon submission of a written application provided by the board and payment of the applicable licensure fee. Providers may not concurrently hold a license as a licensed psychologist and a license as a licensed psychologist-volunteer.

Subd. 7. **Continuing education requirements.** A provider licensed under this section is subject to the same continuing education requirements as a licensed psychologist under section 148.911.

Subd. 8. **Fees.** The fee for licensure as a licensed psychologist-volunteer shall be 50 percent of the fee for licensure as a licensed psychologist. A provider licensed under this section shall not be subject to special board fees.

Subd. 9. **Violation.** A provider licensed under this section is subject to all of the provisions in the Minnesota Psychology Practice Act, violation of which is grounds for disciplinary action according to section 148.941.

Sec. 4. Minnesota Statutes 2008, section 148.915, is amended to read:

148.915 RECIPROCITY.

(a) The board may grant a license to a diplomate of the American Board of Professional Psychology or to any person who at the time of application is licensed, certified, or registered to practice psychology by a board of another state and who meets the licensure requirements under section 148.907, subdivision 2. The board, at its discretion, may elect not to require the examination in psychology under section 148.907, subdivision 2, clause (1), if the person was licensed in another state before the examination was required for licensure in that state. An applicant seeking licensure under this section shall pass a professional responsibility examination on the practice of psychology and any other examinations as required by the board: an applicant who meets the following requirements:

(1) submits to the board a notarized application for licensure as a licensed psychologist by reciprocity;

(2) at the time of application, is licensed, certified, or registered to practice psychology in another state or jurisdiction, and has been for at least five consecutive years immediately preceding the date of application;

(3) has a doctoral degree in psychology, which formed the basis for current licensure in another state or jurisdiction;

(4) is of good moral character and has no pending complaints or active disciplinary or corrective actions in any jurisdiction; and

(5) passes the Professional Responsibility Examination administered by the board and pays the fee associated with sitting for the examination.

(b) If by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification, or disability is put upon licensed psychologists licensed and in good standing in this state, affecting the right of these licensed psychologists to be registered or licensed in that state, then the same or like burden, obligation, requirement, disqualification, or disability may be put upon the licensure in this state of licensed psychologists licensed in that state.

Sec. 5. Minnesota Statutes 2008, section 148.916, subdivision 1, is amended to read:

Subdivision 1. **Generally.** If a nonresident of the state of Minnesota, who is not seeking licensure in this state, and who has been issued a license, certificate, or registration by another jurisdiction to practice psychology at the doctoral level, wishes to practice in Minnesota for more than seven calendar days, the person shall apply to the board for guest licensure, provided that the psychologist's practice in Minnesota is limited to no more than ~~30 days~~ nine consecutive months per calendar year. Application under this section shall be made no less than 30 days prior to the expected date of practice in Minnesota and shall be subject to approval by the board or its designee. The board shall charge a nonrefundable fee for guest licensure. The board shall adopt rules to implement this section.

Sec. 6. Minnesota Statutes 2008, section 148.916, is amended by adding a subdivision to read:

Subd. 1a. **Applicants for licensure.** (a) An applicant who is seeking licensure in this state, and who, at the time of application, is licensed, certified, or registered to practice psychology in another jurisdiction at the doctoral level may apply to the board for guest licensure in order to begin practicing psychology in this state while the applicant's application is being processed if the applicant is of good moral character and has no complaints or corrective or disciplinary action pending in any jurisdiction. Application under this section shall be made no less than 30 days prior to the expected date of practice in this state, and must be made concurrently or after submission of an application for licensure as a licensed psychologist. Applications under this section are subject to approval by the board or its designee.

(b) The board shall charge a nonrefundable fee for guest licensure under this subdivision.

(c) A guest license issued under this subdivision shall be valid for one year from the date of issuance, or until the board has either issued a license or has denied the applicant's application for licensure, whichever is earlier. Guest licenses issued under this section may be renewed annually until the board has denied the applicant's application for licensure.