

H. F. No. 1282

Subd. 2a. **Client.** "Client" means ~~each individual or legal, religious, academic, organizational, business, governmental, or other entity that receives, received, or should have received, or arranged for another individual or entity to receive services from an individual regulated under sections 148.88 to 148.98. Client also means an individual's legally authorized representative, such as a parent or guardian. For the purposes of sections 148.88 to 148.98, "client" may include patient, resident, counselee, evaluatee, and, as limited in the rules of conduct, student, supervisee, or research subject. In the case of dual clients, the licensee or applicant for licensure must be aware of the responsibilities to each client, and of the potential for divergent interests of each client~~ a direct recipient of psychological services from an individual regulated under sections 148.88 to 148.98 within the context of a professional relationship that may include a child, adolescent, adult, couple, family, group, organization, community, or other entity. The client may be the person requesting the psychological services or the direct recipient of the services.

Subd. 2b. **Credentialed.** "Credentialed" means having a license, certificate, charter, registration, or similar authority to practice in an occupation regulated by a governmental board or agency.

Subd. 2c. **Designated supervisor.** "Designated supervisor" means a qualified individual who is ~~designated~~ identified and assigned by the primary supervisor to provide additional supervision and training ~~to a licensed psychological practitioner or to an individual who is obtaining required predegree supervised professional experience or postdegree supervised psychological employment.~~

Subd. 2d. **Direct services.** "Direct services" means the delivery of preventive, diagnostic, assessment, or therapeutic intervention services where the primary purpose is to benefit a client who is the direct recipient of the service.

Subd. 2e. **Full-time employment.** "Full-time employment" means a minimum of 35 clock hours per week.

Subd. 3. **Independent practice.** "Independent practice" means the practice of psychology without supervision.

Subd. 3a. **Jurisdiction.** "Jurisdiction" means the United States, United States territories, or Canadian provinces or territories.

Subd. 4. **Licensee.** "Licensee" means a person who is licensed by the board ~~as a licensed psychologist or as a licensed psychological practitioner.~~

Subd. 4a. **Provider or provider of services.** "Provider" or "provider of services" means any individual who is regulated by the board, and includes a licensed psychologist, ~~a licensed psychological practitioner, a licensee,~~ or an applicant.

Subd. 4b. **Primary supervisor.** "Primary supervisor" means a psychologist licensed in Minnesota or other qualified individual who provides the principal supervision ~~to a licensed psychological practitioner or~~ to an individual who is obtaining required predegree supervised professional experience or postdegree supervised psychological employment.

Subd. 5. **Practice of psychology.** "Practice of psychology" means the observation, description, evaluation, interpretation, ~~or prediction,~~ and modification of human behavior by the application of psychological principles, methods, or procedures for any reason, including to prevent, eliminate, or manage the purpose of preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior; applying psychological principles in legal settings; and to enhance enhancing interpersonal relationships, work, life and developmental adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

(1) psychological research and teaching of psychology subject to the exceptions in section 148.9075;

(2) ~~assessment, including psychological testing and other means of evaluating personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning~~ psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, cognitive, physical and emotional abilities, skills, interests, aptitudes, and neuropsychological functioning;

(3) ~~a psychological report, whether written or oral, including testimony of a provider as an expert witness, concerning the characteristics of an individual or entity~~ counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;

(4) ~~psychotherapy, including but not limited to, categories such as behavioral, cognitive, emotive, systems, psychophysiological, or insight-oriented therapies; counseling; hypnosis; and diagnosis and treatment of:~~

(i) ~~mental and emotional disorder or disability;~~

(ii) ~~alcohol and substance dependence or abuse;~~

(iii) ~~disorders of habit or conduct;~~

~~(iv) the psychological aspects of physical illness or condition, accident, injury, or disability, including the psychological impact of medications;~~

~~(v) life adjustment issues, including work-related and bereavement issues; and~~

~~(vi) child, family, or relationship issues~~

(4) diagnosis, treatment, and management of mental or emotional disorders or disabilities, substance use disorders, disorders of habit or conduct, and the psychological aspects of physical illness, accident, injury, or disability;

(5) psychoeducational services and treatment psychoeducational evaluation, therapy, and remediation; and

(6) consultation and supervision with physicians, other health care professionals, and patients regarding available treatment options, including medication, with respect to the provision of care for a specific client;

(7) provision of direct services to individuals or groups for the purpose of enhancing individual and organizational effectiveness, using psychological principles, methods, and procedures to assess and evaluate individuals on personal characteristics for individual development or behavior change or for making decisions about the individual; and

(8) supervision and consultation related to any of the services described in this subdivision.

Subd. 6. **Telesupervision.** "Telesupervision" means the clinical supervision of psychological services through a synchronous audio and video format where the supervisor is not physically in the same facility as the supervisee.

Sec. 3. Minnesota Statutes 2016, 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~~ four 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~~ who have ~~doctoral degree~~ degrees in psychology ~~and one with either a doctoral or master's degree in psychology~~ representing different training programs 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)~~ (4) 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. 4. Minnesota Statutes 2016, section 148.90, subdivision 2, is amended to read:

Subd. 2. **Members.** (a) The members of the board shall:

(1) be appointed by the governor;

(2) be residents of the state;

(3) serve for not more than two consecutive terms;

(4) designate the officers of the board; and

(5) administer oaths pertaining to the business of the board.

(b) A public member of the board shall represent the public interest and shall not:

(1) be a psychologist, ~~psychological practitioner~~, or have engaged in the practice of psychology;

(2) be an applicant or former applicant for licensure;

(3) be a member of another health profession and be licensed by a health-related licensing board as defined under section 214.01, subdivision 2; the commissioner of health; or licensed, certified, or registered by another jurisdiction;

(4) be a member of a household that includes a psychologist or ~~psychological practitioner~~;
or

- 6.1 (5) have conflicts of interest or the appearance of conflicts with duties as a board member.
- 6.2 Sec. 5. Minnesota Statutes 2016, section 148.905, subdivision 1, is amended to read:
- 6.3 Subdivision 1. **General.** The board shall:
- 6.4 (1) adopt and enforce rules for licensing psychologists ~~and psychological practitioners~~
- 6.5 and for regulating their professional conduct;
- 6.6 (2) adopt and enforce rules of conduct governing the practice of psychology;
- 6.7 (3) adopt and implement rules for examinations which shall be held at least once a year
- 6.8 to assess applicants' knowledge and skills. The examinations may be written or oral or both,
- 6.9 and may be administered by the board or by institutions or individuals designated by the
- 6.10 board; Before the adoption and implementation of a new national examination, the board
- 6.11 must consider whether the examination:
- 6.12 (i) demonstrates reasonable reliability and external validity;
- 6.13 (ii) is normed on a reasonable representative and diverse national sample; and
- 6.14 (iii) is intended to assess an applicant's education, training, and experience for the purpose
- 6.15 of public protection;
- 6.16 (4) issue licenses to individuals qualified under sections 148.907 ~~and 148.908~~, 148.909,
- 6.17 148.915, and 148.916, according to the procedures for licensing in Minnesota Rules;
- 6.18 (5) issue copies of the rules for licensing to all applicants;
- 6.19 (6) establish and maintain annually a register of current licenses;
- 6.20 (7) establish and collect fees for the issuance and renewal of licenses and other services
- 6.21 by the board. Fees shall be set to defray the cost of administering the provisions of sections
- 6.22 148.88 to 148.98 including costs for applications, examinations, enforcement, materials,
- 6.23 and the operations of the board;
- 6.24 (8) educate the public ~~about~~ on the requirements for ~~licensing of psychologists and of~~
- 6.25 ~~psychological practitioners~~ licenses issued by the board and ~~about~~ on the rules of conduct;
- 6.26 ~~to;~~
- 6.27 (9) enable the public to file complaints against applicants or licensees who may have
- 6.28 violated the Psychology Practice Act; ~~and~~
- 6.29 ~~(9)~~ (10) adopt and implement requirements for continuing education; and

(11) establish or approve programs that qualify for professional psychology continuing educational credit. The board may hire consultants, agencies, or professional psychological associations to establish and approve continuing education courses.

Sec. 6. Minnesota Statutes 2016, section 148.907, subdivision 1, is amended to read:

Subdivision 1. **Effective date.** ~~After August 1, 1991,~~ No person shall engage in the independent practice of psychology unless that person is licensed as a licensed psychologist or is exempt under section 148.9075.

Sec. 7. Minnesota Statutes 2016, section 148.907, subdivision 2, is amended to read:

Subd. 2. **Requirements for licensure as licensed psychologist.** To become licensed by the board as a licensed psychologist, an applicant shall comply with the following requirements:

(1) pass an examination in psychology;

(2) pass a professional responsibility examination on the practice of psychology;

(3) pass any other examinations as required by board rules;

(4) pay ~~nonrefundable~~ fees to the board for applications, processing, testing, renewals, and materials as required under section 148.923;

(5) ~~have~~ attained the age of majority, be of good moral character, and have no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction;

(6) ~~have~~ earned a doctoral degree with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule; and

(7) ~~have~~ completed at least one full year or the equivalent in part time of postdoctoral supervised psychological employment in no less than 12 months and no more than 60 months. If the postdoctoral supervised psychological employment goes beyond 60 months, the board may grant a variance to this requirement.

Sec. 8. **[148.9075] EXCEPTIONS TO LICENSE REQUIREMENT.**

Subdivision 1. **General.** (a) Nothing in sections 148.88 to 148.98 shall prevent members of other professions or occupations from performing functions for which they are qualified and licensed. This exception includes, but is not limited to:

(1) individuals licensed by a health-related licensing board as defined under section 214.01, subdivision 2, or by the commissioner of health;

8.1 (2) individuals authorized as mental health practitioners as defined under section 245.462,
8.2 subdivision 17; and

8.3 (3) individuals authorized as mental health professionals under section 245.462,
8.4 subdivision 18.

8.5 (b) Any of these individuals must not hold themselves out to the public by any title or
8.6 description stating or implying they are licensed to engage in the practice of psychology
8.7 unless they are licensed under sections 148.88 to 148.98 or are using a title in compliance
8.8 with section 148.96.

8.9 Subd. 2. **Business or industrial organization.** Nothing in sections 148.88 to 148.98
8.10 shall prevent the use of psychological techniques by a business or industrial organization
8.11 for its own personnel purposes or by an employment agency or state vocational rehabilitation
8.12 agency for the evaluation of the agency's clients prior to a recommendation for employment.
8.13 However, a representative of an industrial or business firm or corporation may not sell,
8.14 offer, or provide psychological services as specified in section 148.89, unless the services
8.15 are performed or supervised by an individual licensed under sections 148.88 to 148.98.

8.16 Subd. 3. **School psychologist.** (a) Nothing in sections 148.88 to 148.98 shall be construed
8.17 to prevent a person who holds a license or certificate issued by the State Board of Teaching
8.18 in accordance with chapters 122A and 129 from practicing school psychology within the
8.19 scope of employment if authorized by a board of education or by a private school that meets
8.20 the standards prescribed by the State Board of Teaching, or from practicing as a school
8.21 psychologist within the scope of employment in a program for children with disabilities.

8.22 (b) Any person exempted under this subdivision shall not offer psychological services
8.23 to any other individual, organization, or group for remuneration, monetary or otherwise,
8.24 unless the person is licensed by the Board of Psychology under sections 148.88 to 148.98.

8.25 Subd. 4. **Clergy or religious officials.** Nothing in sections 148.88 to 148.98 shall be
8.26 construed to prevent recognized religious officials, including ministers, priests, rabbis,
8.27 imams, Christian Science practitioners, and other persons recognized by the board, from
8.28 conducting counseling activities that are within the scope of the performance of their regular
8.29 recognizable religious denomination or sect, as defined in current federal tax regulations,
8.30 if the religious official does not refer to the official's self as a psychologist and the official
8.31 remains accountable to the established authority of the religious denomination or sect.

8.32 Subd. 5. **Teaching and research.** Nothing in sections 148.88 to 148.98 shall be construed
8.33 to prevent a person employed in a secondary, postsecondary, or graduate institution from
8.34 teaching and conducting research in psychology within an educational institution that is

recognized by a regional accrediting organization or by a federal, state, county, or local government institution, agency, or research facility, so long as:

(1) the institution, agency, or facility provides appropriate oversight mechanisms to ensure public protections; and

(2) the person is not providing direct clinical services to a client or clients as defined in sections 148.88 to 148.98.

Subd. 6. **Psychologist in disaster or emergency relief.** Nothing in sections 148.88 to 148.98 shall be construed to prevent a psychologist sent to this state for the sole purpose of responding to a disaster or emergency relief effort of the state government, the federal government, the American Red Cross, or other disaster or emergency relief organization as long as the psychologist is not practicing in Minnesota longer than 30 days and the sponsoring organization can certify the psychologist's assignment to this state. The board or its designee, at its discretion, may grant an extension to the 30-day time limitation of this subdivision.

Subd. 7. **Psychological consultant.** A license under sections 148.88 to 148.98 is not required by a nonresident of the state, serving as an expert witness, organizational consultant, presenter, or educator on a limited basis provided the person is appropriately trained, educated, or has been issued a license, certificate, or registration by another jurisdiction.

Subd. 8. **Students.** Nothing in sections 148.88 to 148.98 shall prohibit the practice of psychology by practicum psychology students, predoctoral psychology interns, or an individual who has earned a doctoral degree in psychology and is in the process of completing their postdoctoral supervised psychological employment. A student trainee or intern shall use the titles as required under section 148.96, subdivision 3.

Subd. 9. **Other professions.** Nothing in sections 148.88 to 148.98 shall be construed to authorize a person licensed under sections 148.88 to 148.98 to engage in the practice of any profession regulated under Minnesota law, unless the individual is duly licensed or registered in that profession.

Sec. 9. [148.9076] LICENSURE RENEWAL.

Subdivision 1. **Renewal requirements.** To be eligible for licensure renewal, a licensee must submit to the board:

(1) a completed application on forms provided by the board;

(2) the renewal fee required under section 148.923; and

(3) affirmation of meeting the continuing education requirements under section 148.911.

10.1 Subd. 2. **Renewal deadline.** (a) A license must be renewed every two years. An
10.2 application for renewal must be received by the board by midnight on the last day of the
10.3 last month during which the license is active. Failure to renew a license before the expiration
10.4 date shall result in the expiration of the license within ten days after the expiration date.
10.5 The board shall send a notification to the licensee that the license is expired. Failure to
10.6 submit a renewal application in accordance with subdivision 1 and the applicable late fee
10.7 required under section 148.923 within 30 days after the license expiration date shall result
10.8 in the termination of the license. Individuals seeking relicensure following the termination
10.9 of a license under this section must comply with the requirements of section 148.9077.

10.10 (b) Failure to receive notification from the board does not relieve the licensee of the
10.11 obligation to meet the renewal deadline and other requirements for license renewal and is
10.12 not grounds for challenging licensure termination.

10.13 **Sec. 10. [148.9077] RELICENSURE.**

10.14 A former licensee may apply to the board for licensure after complying with all laws
10.15 and rules required for applicants for licensure that were in effect on the date the initial
10.16 Minnesota license was granted. The former licensee must verify to the board that the former
10.17 licensee has not engaged in the practice of psychology in this state since the last date of
10.18 active licensure, except as permitted under statutory licensure exemption, and must submit
10.19 the fee for relicensure following termination required under section 148.923.

10.20 **Sec. 11. [148.9078] INACTIVE LICENSE STATUS.**

10.21 Subdivision 1. **Election of inactive status.** A licensee in good standing who is not
10.22 planning to practice psychology in Minnesota for at least one year, but no longer than three
10.23 years, may apply to the board to have their license placed in inactive status without penalty
10.24 by submitting to the board:

10.25 (1) an application for inactive status;

10.26 (2) the fee required under section 148.923; and

10.27 (3) attestation that the licensee will not engage in the practice of psychology in Minnesota
10.28 while the license is in inactive status.

10.29 Subd. 2. **Inactive status.** A licensee who holds a license in inactive status must not
10.30 practice, attempt to practice, offer to practice or advertise, or hold themselves out as
10.31 authorized to practice psychology. In making representations of professional status to the

11.1 public, a licensee must state that the license is inactive and that the licensee is not authorized
11.2 to practice psychology.

11.3 Subd. 3. **Pending investigations and complaints.** A licensee with a pending complaint
11.4 in any jurisdiction may not apply for inactive status. If the board receives a complaint after
11.5 a licensee has been granted inactive status of the license, the board may revoke the inactive
11.6 status and may initiate an investigation.

11.7 Subd. 4. **Duration of inactive status.** A licensee may remain in inactive status for a
11.8 period of up to three years. Licenses in inactive status at the end of the three-year period
11.9 shall automatically expire. An individual with an expired license may reapply to the board
11.10 using the board's relicensure process under section 148.9077.

11.11 Subd. 5. **Reactivation.** A license in inactive status may be reactivated at any time during
11.12 the three-year period by submitting to the board:

11.13 (1) an application for reactivation;

11.14 (2) the reactivation fee in accordance with subdivision 6; and

11.15 (3) attestation that the licensee has not practiced psychology in this state since the date
11.16 of inactivation.

11.17 Subd. 6. **Reactivation fee.** The fee for licensure reactivation is the reactivation license
11.18 fee required under section 148.923 in effect at the time of application for reactivation.

11.19 Sec. 12. Minnesota Statutes 2016, section 148.9105, subdivision 1, is amended to read:

11.20 Subdivision 1. **Application.** Retired providers who are licensed or were formerly licensed
11.21 to practice psychology in the state according to the Minnesota Psychology Practice Act may
11.22 apply to the board for psychologist emeritus registration ~~or psychological practitioner~~
11.23 ~~emeritus registration~~ if they declare that they are retired from the practice of psychology in
11.24 Minnesota, have not been the subject of disciplinary action in any jurisdiction, and have no
11.25 unresolved complaints in any jurisdiction. Retired providers shall complete the necessary
11.26 forms provided by the board and pay a onetime, ~~nonrefundable fee of \$150 at the time of~~
11.27 ~~application~~ required under section 148.923.

11.28 Sec. 13. Minnesota Statutes 2016, section 148.9105, subdivision 4, is amended to read:

11.29 Subd. 4. **Documentation of status.** A provider granted emeritus registration shall receive
11.30 a document certifying that emeritus status has been granted by the board and that the

12.1 registrant has completed the registrant's active career as a psychologist or psychological
12.2 practitioner licensed in good standing with the board.

12.3 Sec. 14. Minnesota Statutes 2016, section 148.9105, subdivision 5, is amended to read:

12.4 Subd. 5. **Representation to public.** In addition to the descriptions allowed in section
12.5 148.96, subdivision 3, paragraph (e), former licensees who have been granted emeritus
12.6 registration may represent themselves as "psychologist emeritus" or "psychological
12.7 practitioner emeritus," but shall not represent themselves or allow themselves to be
12.8 represented to the public as "licensed" or otherwise as current licensees of the board.

12.9 Sec. 15. Minnesota Statutes 2016, section 148.915, is amended to read:

12.10 **148.915 RECIPROCITY.**

12.11 (a) The board may grant a license to an applicant who meets the following requirements:

12.12 (1) submits to the board ~~a notarized~~ an application for licensure as a licensed psychologist
12.13 by reciprocity and a fee required under section 148.923;

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

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

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

12.21 (5) passes ~~the Professional Responsibility Examination administered~~ a professional
12.22 responsibility examination designated by the board and pays the fee associated with sitting
12.23 for the examination.

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

13.1 Sec. 16. Minnesota Statutes 2016, section 148.916, subdivision 1, is amended to read:

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

13.11 (b) To be eligible for licensure under this section, the applicant must:

13.12 (1) have a license, certification, or registration to practice psychology from another
13.13 jurisdiction;

13.14 (2) have a doctoral degree in psychology from a regionally accredited institution;

13.15 (3) be of good moral character;

13.16 (4) have no pending complaints or active disciplinary or corrective actions in any
13.17 jurisdiction;

13.18 (5) pass a professional responsibility examination designated by the board; and

13.19 (6) pay a fee to the board as required under section 148.923.

13.20 Sec. 17. Minnesota Statutes 2016, section 148.916, subdivision 1a, is amended to read:

13.21 Subd. 1a. **Applicants for licensure.** (a) An applicant who is seeking licensure in this
13.22 state, and who, at the time of application, is licensed, certified, or registered to practice
13.23 psychology in another jurisdiction at the doctoral level may apply to the board for guest
13.24 licensure in accordance with subdivision 1, paragraph (b), in order to begin practicing
13.25 psychology in this state while their application is being processed ~~if the applicant is of good~~
13.26 ~~moral character and has no complaints, corrective, or disciplinary action pending in any~~
13.27 ~~jurisdiction.~~

13.28 (b) Application under this section subdivision shall be made no less than 30 days prior
13.29 to the expected date of practice in this state, and must be made concurrently or after
13.30 submission of an application for licensure as a licensed psychologist if applicable.

13.31 Applications under this section subdivision are subject to approval by the board or its
13.32 designee.

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

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

14.7 Sec. 18. **[148.923] FEES.**

14.8 Subdivision 1. Fees. Licensure and application fees established by the board shall not
14.9 exceed the following amounts:

14.10 (1) application for admission to national standardized examination, \$200;

14.11 (2) application for professional responsibility examination, \$200;

14.12 (3) initial application for licensure as a licensed psychologist, \$550;

14.13 (4) biennial active renewal of license for a licensed psychologist, \$550;

14.14 (5) inactive license reactivation fee for a licensed psychologist, \$550;

14.15 (6) late renewal of license for a licensed psychologist, \$275;

14.16 (7) application for converting from master's to doctoral level licensure, \$200;

14.17 (8) application for guest licensure, \$200;

14.18 (9) application for guest licensure by temporary permit, \$200;

14.19 (10) application for continuing education sponsorship per activity, \$130;

14.20 (11) application for relicensure following termination, \$550;

14.21 (12) application for emeritus registration, \$200;

14.22 (13) application for volunteer practice, \$250;

14.23 (14) application for continuing education preapproval, \$50 per activity;

14.24 (15) certificate of good standing or license verification, \$20; and

14.25 (16) registration as a primary supervisor, \$150.

14.26 Subd. 2. Nonrefundable fees. The fees in this section are nonrefundable.

14.27 Subd. 3. Deposit. Fees received under this section shall be deposited in the state
14.28 government special revenue fund.

15.1 Sec. 19. Minnesota Statutes 2016, section 148.925, is amended to read:

15.2 **148.925 SUPERVISION.**

15.3 Subdivision 1. **Supervision.** For the purpose of meeting the requirements of ~~this section~~
15.4 the Minnesota Psychology Practice Act, supervision means documented in-person
15.5 consultation, ~~which may include interactive, visual electronic communication, between~~
15.6 ~~either: (1) a primary supervisor and a licensed psychological practitioner; or (2) a~~ that
15.7 employs a collaborative relationship that has both facilitative and evaluative components
15.8 with the goal of enhancing the professional competence and science, and practice-informed
15.9 professional work of the supervisee. Supervision may include telesupervision between
15.10 primary or designated supervisor supervisors and an applicant for licensure as a licensed
15.11 psychologist the supervisee. The supervision shall be adequate to assure the quality and
15.12 competence of the activities supervised. Supervisory consultation shall include discussions
15.13 on the nature and content of the practice of the supervisee, including, but not limited to, a
15.14 review of a representative sample of psychological services in the supervisee's practice.

15.15 Subd. 2. **Postdegree supervised psychological employment.** Postdegree supervised
15.16 psychological employment means required paid or volunteer work experience and postdegree
15.17 training of an individual seeking to be licensed as a licensed psychologist that involves the
15.18 professional oversight by a primary supervisor and satisfies the supervision requirements
15.19 ~~in subdivisions 3 and 5~~ the Minnesota Psychology Practice Act.

15.20 Subd. 3. **Individuals qualified to provide supervision.** ~~(a) Supervision of a master's~~
15.21 ~~level applicant for licensure as a licensed psychologist shall be provided by an individual:~~

15.22 ~~(1) who is a psychologist licensed in Minnesota with competence both in supervision~~
15.23 ~~in the practice of psychology and in the activities being supervised;~~

15.24 ~~(2) who has a doctoral degree with a major in psychology, who is employed by a~~
15.25 ~~regionally accredited educational institution or employed by a federal, state, county, or local~~
15.26 ~~government institution, agency, or research facility, and who has competence both in~~
15.27 ~~supervision in the practice of psychology and in the activities being supervised, provided~~
15.28 ~~the supervision is being provided and the activities being supervised occur within that~~
15.29 ~~regionally accredited educational institution or federal, state, county, or local government~~
15.30 ~~institution, agency, or research facility;~~

15.31 ~~(3) who is licensed or certified as a psychologist in another jurisdiction and who has~~
15.32 ~~competence both in supervision in the practice of psychology and in the activities being~~
15.33 ~~supervised; or~~

16.1 ~~(4) who, in the case of a designated supervisor, is a master's or doctorally prepared~~
16.2 ~~mental health professional.~~

16.3 ~~(b)~~ (a) Supervision of a doctoral level an applicant for licensure as a licensed psychologist
16.4 shall be provided by an individual:

16.5 (1) who is a psychologist licensed in Minnesota with a doctoral degree and competence
16.6 both in supervision in the practice of psychology and in the activities being supervised;

16.7 (2) who has a doctoral degree with a major in psychology, who is employed by a
16.8 regionally accredited educational institution or is employed by a federal, state, county, or
16.9 local government institution, agency, or research facility, and who has competence both in
16.10 supervision in the practice of psychology and in the activities being supervised, provided
16.11 the supervision is being provided and the activities being supervised occur within that
16.12 regionally accredited educational institution or federal, state, county, or local government
16.13 institution, agency, or research facility;

16.14 (3) who is licensed or certified as a psychologist in another jurisdiction and who has
16.15 competence both in supervision in the practice of psychology and in the activities being
16.16 supervised;

16.17 (4) who is a psychologist licensed in Minnesota who was licensed before August 1,
16.18 1991, with competence both in supervision in the practice of psychology and in the activities
16.19 being supervised; or

16.20 (5) who, in the case of a designated supervisor, is a master's or doctorally prepared
16.21 mental health professional.

16.22 (b) Beginning January 1, 2019, a licensed psychologist who wishes to serve as a primary
16.23 supervisor must register with the board and must:

16.24 (1) complete an online and easily accessible training program designed by the board
16.25 that encompasses documentation and other responsibilities required of a primary supervisor
16.26 and an overview of statutes and rules directly applicable to the postdegree supervised
16.27 psychological training experience, including:

16.28 (i) definitions;

16.29 (ii) the role of the board;

16.30 (iii) licensure requirements for a licensed psychologist;

16.31 (iv) supervision requirements related to supervision, as well as supervisor and supervisee
16.32 duties; and

17.1 (v) rules of conduct applicable to the provision of supervision; and

17.2 (2) pay a fee to the board as required under section 148.923.

17.3 (c) Once a primary supervisor has registered with the board in accordance with paragraph
17.4 (b), the supervisor does not have to register again.

17.5 **Subd. 4. Supervisory consultation for a licensed psychological practitioner.**

17.6 ~~Supervisory consultation between a supervising licensed psychologist and a supervised~~
17.7 ~~licensed psychological practitioner shall be at least one hour in duration and shall occur on~~
17.8 ~~an individual, in-person basis. A minimum of one hour of supervision per month is required~~
17.9 ~~for the initial 20 or fewer hours of psychological services delivered per month. For each~~
17.10 ~~additional 20 hours of psychological services delivered per month, an additional hour of~~
17.11 ~~supervision per month is required. When more than 20 hours of psychological services are~~
17.12 ~~provided in a week, no more than one hour of supervision is required per week.~~

17.13 **Subd. 5. Supervisory consultation for an applicant for licensure as a licensed**
17.14 **psychologist.** ~~Supervision of an applicant for licensure as a licensed psychologist shall~~ must
17.15 total 100 hours and must include at least two hours per week of regularly scheduled in-person
17.16 consultations per week for full-time employment, for full-time employment, of which at
17.17 least one hour of which shall must be with the a primary supervisor on an individual basis.
17.18 ~~The and the~~ remaining hour may be with a designated supervisor. The board may approve
17.19 shall grant an exception to not to exceed six supervisory hours for the weekly supervision
17.20 requirement for a week when requirements if the supervisor or supervisee was ill or otherwise
17.21 unable to provide participate in the supervision. The supervision hours subject to this
17.22 exception must be completed within the following week. The board may prorate the two
17.23 hours per week of supervision for individuals preparing for licensure on a part-time basis.
17.24 In no case shall a supervisee be required to have more than two hours of supervision per
17.25 week in order to meet licensure requirements. Supervised psychological employment does
17.26 not qualify for licensure when if the supervisory consultation is not adequate as described
17.27 in subdivision 1 does not meet the requirements of this section, or in the board rules adopted
17.28 by the board.

17.29 **Subd. 5a. Supervisor duties.** (a) The primary supervisor is responsible for psychological
17.30 services provided by the supervisee. A supervisee may have more than one primary supervisor
17.31 who is engaged in providing supervision during the course of the postdegree supervised
17.32 psychological employment period. A primary supervisor shall ensure continuity of the
17.33 training plan and shall maintain overall responsibility for the activities supervised. If a

18.1 supervisee has more than one primary supervisor, the primary supervisors must coordinate
18.2 training to maximize the supervisee's training experience.

18.3 (b) Primary supervisors shall enter into a supervisory contract with a supervisee. A
18.4 primary supervisor must provide the supervisee with information regarding the supervisee's
18.5 rights and responsibilities, including information on informed consent. Supervision shall
18.6 include discussion on the nature and content of the professional work of the supervisee,
18.7 including but not limited to a review of an adequate sample of the psychological services
18.8 provided by the supervisee from the supervisee's practice.

18.9 (c) Once the supervisee reaches 1,800 hours of postdegree supervised psychological
18.10 employment, the primary supervisor must provide the board with an attestation of the number
18.11 of hours of supervised practice completed under the supervision of the primary supervisor
18.12 and the number of hours of supervision provided by the primary supervisor. This attestation
18.13 meets the requirements for primary source verification.

18.14 (d) Supervisors shall not:

18.15 (1) impose any stereotypes of behavior, values, or roles related to race, ethnicity, national
18.16 origin, religious affiliation, language, age, gender, physical disabilities, mental capabilities,
18.17 sexual orientation or identity, or socioeconomic status;

18.18 (2) exploit or misuse in any manner the professional relationship for the emotional,
18.19 financial, sexual, or personal advantage or benefit of the supervisor or another individual
18.20 or entity;

18.21 (3) engage in any sexual behavior with a current supervisee, including sexual contact,
18.22 during the supervision relationship and for a period of two years following the end of the
18.23 supervision relationship, as defined in Minnesota Rules, part 7200.0110, subpart 28; or any
18.24 physical, verbal, written, interactive, or electronic communication, conduct, or act that may
18.25 be reasonably interpreted to be sexually seductive, demeaning, or harassing;

18.26 (4) engage in any deceptive or fraudulent behavior;

18.27 (5) engage in a multiple relationship with the supervisee, such as being an employee of
18.28 the supervisee or a member of the supervisee's family; or

18.29 (6) engage in any other unprofessional conduct.

18.30 Subd. 6. **Supervisee duties.** ~~Individuals~~ Applicants preparing for licensure as a licensed
18.31 psychologist during their postdegree supervised psychological employment may perform
18.32 as part of their training any functions of the services specified in section 148.89, subdivision
18.33 5, but only under qualified supervision. ~~Services defined as psychological services that are~~

19.1 not part of the postdegree supervised experience may be performed by the applicant as long
19.2 as the services are not counted towards the supervised professional experience, are performed
19.3 in a licensed health care facility or organizational setting, and are provided under supervision
19.4 as required by the facility or organizational setting.

19.5 Subd. 6a. **Documentation.** (a) Both supervisors and supervisees must maintain
19.6 documentation of the supervision sessions required under this section. For each supervision
19.7 meeting, documentation must include:

19.8 (1) the date, time, and meeting place;

19.9 (2) the name and credentials of the individual providing the supervision; and

19.10 (3) the topics covered in the meeting.

19.11 (b) In addition to the documentation required under paragraph (a), a supervisee must
19.12 maintain documentation of supervised employment practice hours, including the setting,
19.13 date, total number of hours worked per week, supervisory units, and the supervisor's name
19.14 and credentials.

19.15 ~~Subd. 7. **Variance from supervision requirements.** (a) An applicant for licensure as~~
19.16 ~~a licensed psychologist who entered supervised employment before August 1, 1991, may~~
19.17 ~~request a variance from the board from the supervision requirements in this section in order~~
19.18 ~~to continue supervision under the board rules in effect before August 1, 1991.~~

19.19 ~~(b) After a licensed psychological practitioner has completed two full years, or the~~
19.20 ~~equivalent, of supervised post-master's degree employment meeting the requirements of~~
19.21 ~~subdivision 5 as it relates to preparation for licensure as a licensed psychologist, the board~~
19.22 ~~shall grant a variance from the supervision requirements of subdivision 4 or 5 if the licensed~~
19.23 ~~psychological practitioner presents evidence of:~~

19.24 ~~(1) endorsement for specific areas of competency by the licensed psychologist who~~
19.25 ~~provided the two years of supervision;~~

19.26 ~~(2) employment by a hospital or by a community mental health center or nonprofit mental~~
19.27 ~~health clinic or social service agency providing services as a part of the mental health service~~
19.28 ~~plan required by the Comprehensive Mental Health Act;~~

19.29 ~~(3) the employer's acceptance of clinical responsibility for the care provided by the~~
19.30 ~~licensed psychological practitioner; and~~

19.31 ~~(4) a plan for supervision that includes at least one hour of regularly scheduled individual~~
19.32 ~~in-person consultations per week for full-time employment. The board may approve an~~

20.1 ~~exception to the weekly supervision requirement for a week when the supervisor was ill or~~
20.2 ~~otherwise unable to provide supervision.~~

20.3 ~~(c) Following the granting of a variance under paragraph (b), and completion of two~~
20.4 ~~additional full years or the equivalent of supervision and post-master's degree employment~~
20.5 ~~meeting the requirements of paragraph (b), the board shall grant a variance to a licensed~~
20.6 ~~psychological practitioner who presents evidence of:~~

20.7 ~~(1) endorsement for specific areas of competency by the licensed psychologist who~~
20.8 ~~provided the two years of supervision under paragraph (b);~~

20.9 ~~(2) employment by a hospital or by a community mental health center or nonprofit mental~~
20.10 ~~health clinic or social service agency providing services as a part of the mental health service~~
20.11 ~~plan required by the Comprehensive Mental Health Act;~~

20.12 ~~(3) the employer's acceptance of clinical responsibility for the care provided by the~~
20.13 ~~licensed psychological practitioner; and~~

20.14 ~~(4) a plan for supervision which includes at least one hour of regularly scheduled~~
20.15 ~~individual in-person supervision per month.~~

20.16 ~~(d) The variance allowed under this section must be deemed to have been granted to an~~
20.17 ~~individual who previously received a variance under paragraph (b) or (c) and is seeking a~~
20.18 ~~new variance because of a change of employment to a different employer or employment~~
20.19 ~~setting. The deemed variance continues until the board either grants or denies the variance.~~
20.20 ~~An individual who has been denied a variance under this section is entitled to seek~~
20.21 ~~reconsideration by the board.~~

20.22 Sec. 20. Minnesota Statutes 2016, section 148.96, subdivision 3, is amended to read:

20.23 Subd. 3. **Requirements for representations to public.** (a) Unless licensed under sections
20.24 148.88 to 148.98, except as provided in paragraphs (b) through (e), persons shall not represent
20.25 themselves or permit themselves to be represented to the public by:

20.26 (1) using any title or description of services incorporating the words "psychology,"
20.27 "psychological," "psychological practitioner," or "psychologist"; or

20.28 (2) representing that the person has expert qualifications in an area of psychology.

20.29 (b) Psychologically trained individuals who are employed by an educational institution
20.30 recognized by a regional accrediting organization, by a federal, state, county, or local
20.31 government institution, agency, or research facility, may represent themselves by the title

21.1 designated by that organization provided that the title does not indicate that the individual
21.2 is credentialed by the board.

21.3 (c) A psychologically trained individual from an institution described in paragraph (b)
21.4 may offer lecture services and is exempt from the provisions of this section.

21.5 (d) A person who is preparing for the practice of psychology under supervision in
21.6 accordance with board statutes and rules may be designated as a "psychological intern,"
21.7 "psychology fellow," "psychological trainee," or by other terms clearly describing the
21.8 person's training status.

21.9 (e) Former licensees who are completely retired from the practice of psychology may
21.10 represent themselves using the descriptions in paragraph (a), clauses (1) and (2), but shall
21.11 not represent themselves or allow themselves to be represented as current licensees of the
21.12 board.

21.13 ~~(f) Nothing in this section shall be construed to prohibit the practice of school psychology~~
21.14 ~~by a person licensed in accordance with chapters 122A and 129.~~

21.15 Sec. 21. Minnesota Statutes 2016, section 148B.53, subdivision 1, is amended to read:

21.16 Subdivision 1. **General requirements.** (a) To be licensed as a licensed professional
21.17 counselor (LPC), an applicant must provide evidence satisfactory to the board that the
21.18 applicant:

21.19 (1) is at least 18 years of age;

21.20 (2) is of good moral character;

21.21 (3) has completed a master's or doctoral degree program in counseling or a related field,
21.22 as determined by the board based on the criteria in paragraph (b), that includes a minimum
21.23 of 48 semester hours or 72 quarter hours and a supervised field experience of not fewer than
21.24 700 hours that is counseling in nature;

21.25 (4) has submitted to the board a plan for supervision during the first 2,000 hours of
21.26 professional practice or has submitted proof of supervised professional practice that is
21.27 acceptable to the board; and

21.28 (5) has demonstrated competence in professional counseling by passing the National
21.29 Counseling Exam (NCE) administered by the National Board for Certified Counselors, Inc.
21.30 (NBCC) or an equivalent national examination as determined by the board, and ethical,
21.31 oral, and situational examinations if prescribed by the board.

(b) The degree described in paragraph (a), clause (3), must be from a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or from an institution of higher education that is accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA). Specific academic course content and training must include course work in each of the following subject areas:

- (1) the helping relationship, including counseling theory and practice;
- (2) human growth and development;
- (3) lifestyle and career development;
- (4) group dynamics, processes, counseling, and consulting;
- (5) assessment and appraisal;
- (6) social and cultural foundations, including multicultural issues;
- (7) principles of etiology, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) family counseling and therapy;
- (9) research and evaluation; and
- (10) professional counseling orientation and ethics.

~~(e) To be licensed as a professional counselor, a psychological practitioner licensed under section 148.908 need only show evidence of licensure under that section and is not required to comply with paragraph (a), clauses (1) to (3) and (5), or paragraph (b).~~

~~(d)~~ (c) To be licensed as a professional counselor, a Minnesota licensed psychologist need only show evidence of licensure from the Minnesota Board of Psychology and is not required to comply with paragraph (a) or (b).

Sec. 22. **REPEALER.**

Minnesota Statutes 2016, sections 148.906; 148.907, subdivision 5; 148.908; 148.909, subdivision 7; and 148.96, subdivisions 4 and 5, are repealed.

148.906 LEVELS OF PRACTICE.

The board may grant licenses for levels of psychological practice to be known as (1) licensed psychologist and (2) licensed psychological practitioner.

148.907 LICENSED PSYCHOLOGIST.

Subd. 5. **Converting from licensed psychological practitioner to licensed psychologist.** Notwithstanding subdivision 3, to convert from licensure as a licensed psychological practitioner to licensure as a licensed psychologist, a licensed psychological practitioner shall have:

- (1) completed an application provided by the board for conversion from licensure as a licensed psychological practitioner to licensure as a licensed psychologist;
- (2) paid a nonrefundable fee of \$500;
- (3) documented successful completion of two full years, or the equivalent, of supervised postlicensure employment meeting the requirements of section 148.925, subdivision 5, as it relates to preparation for licensure as a licensed psychologist as follows:
 - (i) for individuals licensed as licensed psychological practitioners on or before December 31, 2006, the supervised practice must be completed by December 31, 2010; and
 - (ii) for individuals licensed as licensed psychological practitioners after December 31, 2006, the supervised practice must be completed within four years from the date of licensure; and
- (4) no unresolved disciplinary action or complaints pending, or incomplete disciplinary orders or corrective action agreements in Minnesota or any other jurisdiction.

148.908 LICENSED PSYCHOLOGICAL PRACTITIONER.

Subdivision 1. **Scope of practice.** A licensed psychological practitioner shall practice only under supervision that satisfies the requirements of section 148.925 and while employed by either a licensed psychologist or a health care or social service agency which employs or contracts with a supervising licensed psychologist who shares clinical responsibility for the care provided by the licensed psychological practitioner.

Subd. 2. **Requirements for licensure as licensed psychological practitioner.** To become licensed by the board as a licensed psychological practitioner, an applicant shall comply with the following requirements:

- (1) have earned a doctoral or master's degree or the equivalent of a master's degree in a doctoral program with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule. The degree requirements must be completed by December 31, 2005;
- (2) complete an application for admission to the examination for professional practice in psychology and pay the nonrefundable application fee by December 31, 2005;
- (3) complete an application for admission to the professional responsibility examination and pay the nonrefundable application fee by December 31, 2005;
- (4) pass the examination for professional practice in psychology by December 31, 2006;
- (5) pass the professional responsibility examination by December 31, 2006;
- (6) complete an application for licensure as a licensed psychological practitioner and pay the nonrefundable application fee by March 1, 2007; and
- (7) have attained the age of majority, be of good moral character, and have no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction.

Subd. 3. **Termination of licensure.** Effective December 31, 2011, the licensure of all licensed psychological practitioners shall be terminated without further notice and licensure as a licensed psychological practitioner in Minnesota shall be eliminated.

148.909 LICENSURE FOR VOLUNTEER PRACTICE.

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.

148.96 PRESENTATION TO PUBLIC.

Subd. 4. **Persons or techniques not regulated by this board.** (a) Nothing in sections 148.88 to 148.98 shall be construed to limit the occupational pursuits consistent with their training and codes of ethics of professionals such as teachers in recognized public and private

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schools, members of the clergy, physicians, social workers, school psychologists, alcohol or drug counselors, optometrists, or attorneys. However, in such performance any title used shall be in accordance with section 148.96.

(b) Use of psychological techniques by business and industrial organizations for their own personnel purposes or by employment agencies or state vocational rehabilitation agencies for the evaluation of their own clients prior to recommendation for employment is also specifically allowed. However, no representative of an industrial or business firm or corporation may sell, offer, or provide any psychological services as specified in section 148.89 unless such services are performed or supervised by individuals licensed under sections 148.88 to 148.98.

Subd. 5. **Other professions not authorized.** Nothing in sections 148.88 to 148.98 shall be construed to authorize a person licensed under sections 148.88 to 148.98 to engage in the practice of any profession regulated under Minnesota law unless the person is duly licensed or registered in that profession.