

MINNESOTA CODE OF AGENCY RULES

RULES OF THE BOARD OF PSYCHOLOGY

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BOARD OF PSYCHOLOGY

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1505T
7 MCAR S 10.001 Licensure of psychologists; general definitions. For the purposes of 7 MCAR SS 10.001-10.009, the following terms have the meanings given them.

A. Board. "Board" means the Minnesota Board of Psychology.

B. Collaboration, collaborative contact. "Collaboration" or "collaborative contact" means consultation at least once each year between a licensed psychologist and a licensed consulting psychologist with regard to any issues arising in the practice of psychology. "Collaboration" or "collaborative contact" does not mean supervision and does not involve the supervisory responsibilities defined in I.

C. Area of competence. "Area of competence" means a specific psychological service, technique, method, or procedure in which the psychologist through education, training, or experience has gained sufficient proficiency to be able to provide it to the public with little or no supervision.

D. Informed written consent. "Informed written consent" means a written statement signed by the person making the statement which authorizes a psychologist to engage in activity which directly affects the person signing the statement. The statement must include a declaration that the person signing the statement has been told of and understands the purpose of the authorized activity.

E. Licensee. "Licensee of the board" or "licensee" means either a licensed psychologist or a licensed consulting psychologist.

F. Private information. "Private information" means any information, including client records, revealed during a professional relationship between a psychologist and a client.

G. Professional relationship. "Professional relationship" means the association between a psychologist and a person or entity which exists when the psychologist performs for that person or entity any of the functions described in Minn. Stat. S 148.89, subd. 1.

H. Psychologist. "Psychologist" means a licensee of the board.

I. Supervision. "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of psychology of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisees in at least ten separate hourly sessions per quarter.

J. Test. "Test" means any instrument, device, survey, questionnaire, technique, scale, inventory, or other process which is designed or constructed for the purpose of measuring,

evaluating, assessing or describing personality, behavior, traits, cognitive functioning, aptitudes, attitudes, skills, values, interests, ability, or other psychological or emotional characteristics of individuals.

K. Variance. "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

L. Waiver. "Waiver" means board authorized permission not to comply with a rule.

1505T
7 MCAR S 10.002 General requirements for licensure.

A. Licensure process. The process of licensure by the board is divided into two separate parts:

1. admission to examination; and
2. admission to licensure.

B. Requirements for admission to examination. In order to be admitted to examination an applicant must:

1. file with the board a completed notarized application for admission to examination which includes an affirmation that the statements made on the application are true and correct to the best of the knowledge and belief of the applicant, and which is accompanied by the current nonrefundable examination application fee;

2. provide for transcripts of all graduate work, including verification of the degree granted, to be certified directly to the board from the institution granting the degree; and

3. for an application based upon the equivalent of a master of arts or science degree in a doctoral program, provide for that equivalency to be verified in writing directly to the board by an official of the institution attended.

C. Admission to examination. An applicant shall be admitted to the first regularly scheduled objective part of the examination occurring 40 days or more after the applicant has met the requirements of B., unless admission is denied under D.

D. Denial of admission to examination. Admission to examination shall be denied to an applicant who has not met the education requirements in 7 MCAR S 10.003. An applicant who is denied admission to examination shall be informed in writing of the denial and the reasons for it. An application submitted after denial is a new application which must be accompanied by the current examination application fee.

E. Requirements for licensure. To be eligible for licensure

the applicant must meet the following requirements in addition to those in B.:

1. file with the board a notarized application for licensure, which includes an affirmation that the statements made in the application are true and correct to the best knowledge and belief of the applicant and which is accompanied by the current licensure application fee;
2. have completed two years of post degree employment as stated in G. and 7 MCAR S 10.0004;
3. have performed satisfactorily on both parts of the examination listed in 7 MCAR S 10.005;
4. provide evidence of having met the requirements of Minn. Stat. S 148.91, subd. 4, cl. (2) and of not having engaged in conduct prohibited by 7 MCAR S 10.008, by means of endorsements from at least two people with the qualifications stated in H.; and
5. for an application for licensure as a licensed psychologist, file an agreement to collaborate signed by a licensed consulting psychologist.

F. Concurrent applications. An applicant may file both the application for admission to examination and the application for licensure at the same time if the employment requirements in G. and 7 MCAR S 10.004 have been met.

G. Supervised employment. The application for licensure shall include the setting, nature and extent of the supervised employment, the time period involved, the number of hours per week engaged in professional duties, the name and qualifications of each supervisor, and the areas of competence in which proficiency has been gained. The application may include areas of competence in which proficiency has been gained through experience, such as internships or practica, which is not counted toward the employment requirement of Minn. Stat. S 148.91, subds. 4 and 5.

H. Requirements for endorsement. To qualify as an endorser a person listed on the application for licensure must be a licensee of the board, a person who is licensed to practice psychology by another state whose licensure standards are similar to the standards of this state, or a person whose education and experience meet the licensure standards of Minn. Stat. S 148.91 and 7 MCAR SS 10.001-10.009. An employee of an applicant may not be an endorser of that applicant. A person who has not observed the work of the applicant in the professional environment of the applicant may not be an endorser of the applicant. A current member of the board may not be an endorser.

An applicant who has not received sufficient endorsements may submit the names of additional endorsers.

I. Adding areas of competence. At any time, a licensee may add an area of competence in which proficiency has been gained by submitting to the board a written statement of the area of competence which is accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the licensee.

J. Inquiries regarding applicants. The board may make inquiries when there is a question as to whether an applicant meets the requirement of E.4.

K. Denial of licensure. An applicant who fails to meet all the requirements in E. shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reason for it. An application submitted following denial is a new application which must be accompanied by the current licensure application fee.

15051

7 MCAR S 10.003 Educational requirements for licensure.

A. Educational requirement for licensed consulting psychologists: The educational requirement for licensure as a licensed consulting psychologist is a doctorate obtained in an institution accredited by a regional accrediting association to grant a doctorate with a major in psychology. The major must be:

1. offered through a department of psychology;
2. be a major in educational psychology, child psychology, counseling psychology, or industrial psychology; or
3. if the major is offered through an academic department or unit other than a department of psychology and its title is not listed in 2., the dissertation for the degree must be psychological in topic and method according to the criteria in a. and b., and the coursework leading to the degree must meet the criteria in c.:

a. The topic must fall within the list of psychological topics included in the table of contents of all editions of the "Annual Review of Psychology," up to and including the 1981 edition, and must have the potential to directly impact upon the body of knowledge in the field of psychology.

b. The method shall include at least one of the following: experimental manipulation of psychological variables; correlational or statistical method, using data collected by observations made by oneself or other persons; case study; creation of theory based on analysis of data obtained by oneself or other persons, including conceptual analysis; introspection; or psychohistory.

c. For a person seeking licensure on the basis of a doctorate earned before January 1, 1984, at least half of the

number of credits completed for the degree, excluding dissertation credits, must have been successfully earned in graduate courses which are predominantly psychological in content. For any other person, at least two-thirds of the number of credits completed for the degree, excluding dissertation credits, must have been successfully earned in graduate courses which are predominantly psychological in content. Credits for postdoctoral course work earned within five years after receiving the doctorate may be used in part to meet this requirement.

B. Educational requirement for licensed psychologists. The educational requirement for licensure as a licensed psychologist is a master of arts or science degree, including a master equivalent in a doctoral program, obtained in an institution accredited by a regional accrediting association to grant a doctorate or a master of arts or science degree with a major in psychology. The major must be:

1. offered through a department of psychology;
2. be a major in educational psychology, child psychology, counseling psychology or industrial psychology ; or
3. if the major is offered through a department or unit other than a department of psychology and its title is not listed in 2., the thesis, if it is a degree requirement, must be psychological in topic and method according to the criteria listed in A.3.a. and A.3.b.; and at least two-thirds of the number of credits required for the degree, excluding thesis credits, must have been successfully earned in graduate courses which are predominantly psychological in content. Credits for post-master course work earned within five years after receiving the degree may be used in part to meet this requirement.

C. Accreditation. For a degree to meet the standards for licensure, the institution must be accredited at the time the degree is granted.

D. Degrees from foreign institutions. A degree from a foreign institution shall be accepted if the institution meets standards required for accreditation of a domestic institution.

15087
7 MCAR S 10.004 Professional employment.

A. Employment requirements. To meet the requirements for professional employment, the employment of the applicant, which may include voluntary service, must:

1. involve the application of psychological principles in the description, prediction and modification of human behavior and emotional adjustment, including but not restricted to such practices as: psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal; psychological treatment of persons who have

adjustment problems; psychological counseling and guidance; conducting behavioral research; and teaching of psychology;

2. be under the supervision of a licensee of the board or a person whose education and experience meet the standards for licensure imposed by Minn. Stat. S 148.91 and 7 MCAR SS 10.001-10.009 and who is competent in the areas of practice in which supervision is provided. The private practice of psychology for a fee in this state is not allowed prior to licensure and shall not be credited, except that a licensed psychologist seeking licensure as a licensed consulting psychologist may engage in the private practice of psychology for a fee and need not require supervision. The private practice of psychology in another state shall be credited only if engaged in after licensure by that state; and

3. be performed competently as judged by the supervisor.

B. Employment criterion. Employment shall include tasks and judgments which depend upon the application of skill or knowledge acquired during formal education in psychology.

C. Delegation of training. The supervisor may not transfer supervisory responsibility. The supervisor may delegate training in specific skills to specialists who need not be psychologists.

D. Degree requirement experiences. Experiences which are required as preparation for the master or doctoral degree, such as internships, assistantships, associateships, clerkships and practica, may not be offered to satisfy the employment requirement for either level of licensure.

E. Completion of degree requirements. Professional experience acquired by the applicant between the time all requirements for the degree were met and the time of conferral of the degree may be credited toward the employment requirements for licensure if the date of completion of all degree requirements is verified directly to the board in writing by a responsible academic or administrative official.

F. Time requirement. To meet employment requirements, the applicant shall have completed 24 months of full-time employment, or their equivalent in part-time employment, under supervision as described in A., with regularly scheduled vacation periods and holidays considered as days worked. Full-time employment consists of at least 1800 hours during a 12-month period.

G. Part-time employment credited. Part-time employment shall be credited by the board on a pro-rated basis, if the part-time employment consists of at least ten hours per week for a period of 12 consecutive weeks at the same agency or facility.

1505T 7 MCAR S 10.005 Examinations.

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A. Announcement of examination. The date of the written, objective part of the examination shall be announced by the board. The announcement shall establish time, place, the amount of the examination application fee and the date by which documentation for the application for admission to examination must be completed to qualify for the announced examination.

B. Two parts to examination. The examination is composed of two parts:

1. a written, objective part designed and scored by a professional examination service; and

2. an oral part conducted by members of the board or its duly authorized representatives after the application for licensure has been accepted by the board.

C. Notification to admitted applicants. The board shall notify in writing each applicant who has been admitted to either part of the examination. The notice shall state the date and time the applicant is scheduled to be examined. An applicant who fails to appear at that time shall forfeit the application fee unless within 15 days after that date the applicant submits a written request for a waiver.

D. Satisfactory performance on examination. In order to qualify for licensure, the applicant must perform satisfactorily on both parts of the examination.

1. An applicant who has performed satisfactorily with respect to the level of licensure sought on the objective part of the examination, either in another state or for another level of licensure, shall be considered as having met the requirements of this rule with respect to the objective part of the examination.

2. An applicant who has performed satisfactorily on the oral part of the examination for another level of licensure shall be considered as having met the requirements of this rule with respect to the oral part of the examination.

E. Reexamination permitted. An applicant determined not to have performed satisfactorily on a part of the examination may reapply and, upon payment of the current applicable fee, be reexamined on the part for which performance was not satisfactory.

7 MCAR S 10.006 Licenses, license renewal.

A. Display of license. A license shall be displayed on the premises of the primary location of the professional practice of the licensee.

B. Term of license. A license is valid for the period beginning with the date on which the license is granted or

reissued after suspension and ending two years later on the last day of the month in which the license is granted or reissued. Thereafter the license is renewable for periods of two years, ending with the last day of the month in which the license is granted or reissued.

C. Notice of renewal. At least one month before the renewal date, a renewal notice identifying the amount of the current renewal fee shall be sent to each licensee to the last known address of the licensee in the file of the board. Failure to receive the notice shall not relieve the licensee of the obligation to pay the renewal fee according to D.

D. Renewal deadline. The biennial renewal fee shall be remitted to the board postmarked on or before the last day of the last month during which the license is valid. The renewal fee shall accompany a completed notarized renewal application including an affirmation that the statements on the renewal application are true and correct to the best knowledge and belief of the licensee.

E. Late fee. An applicant for renewal shall pay the current late fee as well as the current renewal fee if the application for renewal is postmarked after the last day of the last month during which the license is valid.

F. Grounds for suspension of license. Failure to pay the renewal fee and late fee within 60 days after the last day of the last month during which the license is valid is a sufficient reason to suspend the license to engage in the private practice of psychology in this state. A license may be reissued following suspension only upon payment of the full biennial renewal fee and full biennial late fee for each biennium or portion of a biennium following expiration of the license.

G. Voluntary termination. A licensee may terminate the license by notifying the board in writing. The notification must be received by the board prior to suspension of the license for failure to renew. A former licensee may be licensed again only after complying with all laws and rules required of applicants for examination and licensure.

H. Time limit on license of nonresident. The board shall not renew the license of a licensee who has neither lived nor practiced within the state for a period of more than ten years.

15057
7 MCAR S 10.007 Collaboration.

A. Collaborator provided with summary. An applicant for licensure as a licensed psychologist shall provide the collaborator with a brief summary of the training, experience, and stated areas of professional competence of the applicant.

B. Collaboration report. The nature and frequency of collaborative contacts shall be mutually determined by the

collaborators. At the time of license renewal a licensed psychologist who is or has been engaged in the private practice of psychology since licensure or previous renewal shall report on the nature and frequency of collaborative contacts during the preceding two years.

C. Collaboration report not required in certain cases. A licensed psychologist who has not engaged in the private practice of psychology since licensure or previous renewal may meet the requirement in B. by stating that fact on the renewal form.

D. Consultation required. Formal collaboration is required only of licensed psychologists. Consultation is required of all licensees as indicated in 7 MCAR S 10.008 B.3. and E.9.

1505T
7 MCAR S 10.008 Rules of conduct.

A. Scope and purpose.

1. The rules of conduct constitute the code of ethics as required by Minn. Stat. S 148.98 and apply to the conduct of all licensees and applicants, including conduct during the period of education, training and employment which is required for licensure.

2. The rules of conduct constitute the standards against which the professional conduct of a psychologist is measured.

3. A violation of the rules of conduct constitutes unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

4. The 1981 revision of 'The Ethical Principles of Psychologists' published by the American Psychological Association shall be used as an aid in resolving any ambiguity which may arise in the interpretation of the rules of conduct. However, in a conflict between the rules of conduct and the ethical principles, the rules of conduct shall prevail.

B. Competence.

1. A psychologist shall limit practice to the areas of competence in which proficiency has been gained through education and training or experience and which have been stated in writing to the board by the psychologist.

2. A psychologist shall accurately represent areas of competence, education, training, experience, and professional affiliations of the psychologist to the board, the public and colleagues.

3. In cases in which a new service, technique, or specialty is developing, a psychologist shall engage in ongoing consultation with other psychologists or similar professionals

as skills are developed in the new area and shall seek continuing education which corresponds to the new area. A client whose treatment involves the use of a newly developing service, technique, or specialty shall be informed of its innovative nature and of known risks associated with it.

4. A psychologist shall recognize that there are other professional, technical, and administrative resources available to clients and make referrals to those resources when it is in the best interests of clients to be provided with alternative or complementary services.

C. Protecting the privacy of clients.

1. A psychologist shall safeguard the private information obtained in the course of practice, teaching, or research. With the exceptions listed in 2., 3., 4., 5., and 10., private information is disclosed to others only with the informed written consent of the client.

2. Private information may be disclosed without the informed written consent of the client when the psychologist determines that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another person. In such case the private information is to be disclosed only to appropriate professional workers, public authorities, the potential victim or the family of the client.

3. In any situation in which services of a psychologist are requested by one party for another party, the psychologist shall inform both the requester and the receiver of the services of the responsibility of the psychologist regarding the privacy of any information gained in the course of rendering the services.

4. At the beginning of a professional relationship, a psychologist shall inform a client who is a minor of the limit the law imposes on the right of privacy of a minor with respect to communications of a minor with a psychologist.

5. A psychologist shall limit access to client records and shall inform every person associated with the agency or facility of the psychologist, such as a staff member, student, volunteer, or community aide, that access to client records shall be limited only to the psychologist with whom the client has a professional relationship, a person associated with the agency or facility whose duties require access, and a person authorized to have access by the informed written consent of the client.

6. A psychologist shall instruct the staff to inquire of clients and to comply with the wishes of clients regarding to whom and where statements for services are to be sent.

7. Case reports or other clinical materials used in

teaching, professional meetings or publications shall be disguised so that no identification of the individual occurs.

8. Diagnostic interviews or therapeutic sessions with a client may be observed or electronically recorded only with the informed written consent of the client.

9. A psychologist shall continue to maintain as private information the records of a client after the professional relationship between the psychologist and the client has ceased.

10. A psychologist may release private information upon court order or to conform with state or federal law, rule or regulation.

11. In the course of professional practice, a psychologist shall not violate any law concerning the reporting of abuse of children and vulnerable adults.

D. Impaired objectivity.

1. A psychologist must not undertake or continue a professional relationship with a client in which the objectivity of the psychologist is or would be impaired due to a familial, social, emotional, economic, supervisory, or political interpersonal relationship. A psychologist whose objectivity becomes impaired because of the development of a listed interpersonal relationship during a professional relationship with a client shall notify the client orally and in writing that the psychologist shall no longer see the client professionally, begin termination of the professional relationship, and assist the client in obtaining services from another professional.

2. A psychologist must not undertake or continue a professional relationship with a client in which objectivity or effectiveness is or would be impaired due to the divorce, grief reaction, severe health problem, or chemical abuse or dependency of the psychologist. A psychologist whose objectivity or effectiveness becomes impaired during a professional relationship with a client because of such a personal problem shall notify the client orally and in writing that the psychologist shall no longer see the client professionally, begin termination of the relationship, and assist the client in obtaining services from another professional.

3. A psychologist shall neither request nor authorize a client to solicit other business on behalf of the psychologist.

E. Client welfare.

1. A client has the right to have and a psychologist has the responsibility to provide, on request, a nontechnical explanation of the nature and purpose of the psychological procedures to be used and the results of tests administered to the client. The psychologist shall establish procedures to be followed if the explanation is to be provided by another person

under the direction of the psychologist.

2. A psychologist shall display prominently on the premises of the professional practice or make available as a handout the statement of areas of competence submitted to the board and the bill of rights of clients, including a statement that consumers of psychological services offered by psychologists licensed by the State of Minnesota have the right:

a. to expect that a psychologist has met the minimal qualifications of training and experience required by state law;

b. to examine public records maintained by the board of psychology which contain the credentials of a psychologist;

c. to obtain a copy of the rules of conduct from the State Register and Public Documents Division of the Department of Administration, 117 University Avenue, St. Paul, MN 55155;

d. to report complaints to the board of psychology, 717 Delaware Street, S.E., Room 343, Minneapolis, MN 55414;

e. to be informed of the cost of professional services before receiving the services;

f. to privacy as defined by rule and law;

g. to be free from being the object of discrimination on the basis of race, religion, gender or other unlawful category while receiving psychological services.

3. A psychologist shall consider the client as an individual and shall not impose on the client any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of psychological services to the client.

4. A psychologist shall disclose to the client preferences of the psychologist for choice of treatment or outcome and shall present other options for the consideration or choice of the client.

5. A psychologist who becomes aware of a divergence of interests, values, attitudes or biases between a client and the psychologist sufficient to impair their professional relationship shall so inform the client. Either the client or the psychologist may terminate the relationship.

6. A psychologist shall terminate a professional relationship with a client when the client is not likely to benefit from continued professional services or the services are unneeded. The psychologist shall inform the client orally and in writing of the termination and assist the client in obtaining services from another professional.

7. A psychologist shall make a prompt and appropriate referral of the client to another professional when requested to do so by the client.

8. A psychologist shall not engage in sexual intercourse or other physical intimacies with a client, nor in any verbal or physical behavior which is sexually seductive or sexually demeaning to the client. Physical intimacies include handling of the breasts or genital areas of either sex by either the psychologist or the client.

9. A psychologist shall ask a client whether the client has had or continues to have a professional relationship with another mental health professional. If it is determined that the client had or has a professional relationship with another mental health professional, the psychologist shall, to the extent possible and consistent with the wishes and best interests of the client, coordinate services for that client with the other mental health professional.

10. A psychologist shall file a complaint with the board when the psychologist has reason to believe that another psychologist is or has been engaged in conduct which violates C.11., failure to report suspected abuse of children or vulnerable adults, or E.8., sexual contact with a client. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other psychologist. Nothing in this rule relieves a psychologist from the duty to file a report as required by Minn. Stat. S 626.556 or 626.557, reporting abuse of children and vulnerable adults.

11. A psychologist informed of conduct of another psychologist which appears to be in violation of any rule of conduct other than those listed in 10. may directly communicate with or seek to counsel the other psychologist or may file a complaint directly with the board.

12. A psychologist shall, upon request, provide information regarding the procedure for filing a complaint with the board and may, upon request, assist with filing a complaint.

F. Tests.

1. A test or automated test interpretation service offered for use by qualified professionals shall be accompanied by a manual or other readily available published information which fully describes the development of the test or service, the rationale, evidence of validity and reliability and characteristics of the normative population. The psychologist shall explicitly state the purposes and application for which the test is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the test are factual, descriptive, and not evaluative.

2. A psychologist must not offer psychological tests for commercial publication to publishers who have presented tests in an unprofessional manner and who have distributed them to other than qualified professional users.

3. A report of the results of a test shall include relevant reservations or qualifications regarding validity or reliability which a psychologist may have because of the testing circumstances or any deficiencies of the test norms for the individual tested, and how the psychologist has applied those reservations and qualifications to the score of the individual.

4. A test result or interpretation regarding an individual is private information.

G. Public announcement of services.

1. Public statements shall not include false or misleading information. They may describe fees, professional qualifications and services provided, but they may not evaluate services as to their quality or uniqueness and may not contain testimonials by quotation or implication.

2. A psychologist may not misrepresent directly or by implication professional qualifications such as education, experience or areas of competence. A psychologist may not misrepresent directly or by implication affiliations, purposes and characteristics of institutions and organizations with which the psychologist is associated.

H. Fees and statements.

1. A psychologist shall, when asked by a client about the cost of professional services, disclose the cost of services provided.

2. A psychologist shall itemize fees for all services for which the client or a third party is billed and make the itemized statement available to the client. The statement shall identify at least the date on which the service was provided, the nature of the service, the name of the person providing the service, and the name of the person who is professionally responsible for the service.

3. A psychologist shall not directly or by implication misrepresent to the client or to a third party billed for services the nature of the services, the extent to which the psychologist has provided the services, or the person who is professionally responsible for the services provided.

4. A psychologist shall not claim a fee for services unless the psychologist is either the direct provider of the services or the person who is professionally responsible for the provision of the services and under whose direction the services were provided.

5. No commission, rebate, or other form of remuneration may be given or received by a psychologist for the referral of clients for psychological services.

6. Except as provided by law relating to business organizations, a psychologist may not divide fees with another professional without the informed consent of the client and unless the division is in direct proportion to the services performed and the responsibility assumed by each professional.

I. Practicing without a license. A psychologist shall not aid or abet an unlicensed person in engaging in the private practice of psychology. A psychologist who supervises a person preparing for the professional practice of psychology according to Minn. Stat. S 148.97, subd. 3, clause (2), is not in violation of this rule if the person is not engaging in the private practice of psychology.

J. Welfare of students and research subjects. A psychologist shall protect the welfare of psychology students and research subjects and shall accord the students and human research subjects the client rights listed in C. and E., except for C.4., C.6., E.4., E.6., and E.9.

K. Violation of law. A psychologist shall not violate any law in which the facts giving rise to the violation involve the provision of psychological services. In determining whether a violation involves the provision of psychological services the board shall consider:

1. the nature and seriousness of the violation the psychologist is alleged to have committed;

2. the relationship of the alleged violation to the purposes of regulating the practice of psychology; and

3. the relationship of the violation to the ability, capacity, fitness or integrity of the psychologist in rendering psychological services.

In any board proceeding alleging a violation of this rule the proof of a conviction of a crime shall constitute proof of the underlying factual elements necessarily underlying that conviction.

1305
7 MCAR S 10.009 Waivers and variances.

A. Waivers; application. A licensee or applicant for licensure may apply to the board for a time-limited waiver of any rule except for any part of a rule which incorporates a statutory requirement. The waiver shall be granted if:

1. the rule in question does not address a problem of significance to the public in relation to the practice of the licensee or application of the applicant;

2. adherence to the rule would impose an undue burden on the licensee or applicant; and

3. the granting of a waiver will not adversely affect the public welfare.

B. Waivers; renewal, reporting and revocation. A waiver shall be renewed upon reapplication according to the procedure described in A. if the circumstances justifying its granting continue to exist. Any licensee who is granted a waiver shall immediately notify the board in writing of any material change in the circumstances which justify its granting. A waiver shall be revoked if a material change in the circumstances which justify its granting occurs.

C. Variances; application. A licensee or applicant may apply to the board for a time-limited variance from any rule except for any part of a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to those prescribed in the rule in question and provides evidence that:

1. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

2. adherence to the rule would impose an undue burden on the licensee or applicant; and

3. the granting of the variance will not adversely affect the public welfare.

D. Variances; compliance. Any licensee or applicant who is granted a variance shall comply with the alternative practices or measures specified in the application for the variance.

E. Variance; renewal, reporting, and revocation. A variance shall be renewed upon reapplication according to the procedure described in C. if the circumstances justifying its granting continue to exist. Any licensee or applicant who has been granted a variance shall immediately notify the board of any material change in circumstances which justify the granting of the variance. A variance shall be revoked if a material change in the circumstances which justify its granting occurs.

F. Burden of proof. The burden of proof is upon the licensee or applicant to demonstrate to the board that the requirements cited in A. and C. have been met.

G. Statement of reasons. The minutes of any meeting at which a waiver or variance is granted, denied, renewed or revoked shall include the reason for the action.