

CHAPTER 7200

BOARD OF PSYCHOLOGY

PSYCHOLOGISTS' LICENSURE AND ETHICS

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LICENSURE

7200.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7200.0100 to 7200.6000, the following terms have the meanings given them.

Subp. 2. **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.

Subp. 3. **Board.** "Board" means the Minnesota Board of Psychology.

Subp. 3a. **Client.** "Client" means an individual or entity who is the recipient of any of the psychological services described in Minnesota Statutes, section 148.89, subdivision 5.

Subp. 4. [Repealed, 17 SR 2285]

Subp. 4a. **Continuing education.** "Continuing education" means a wide range of education and training activities designed to contribute to the development and enhancement of skills associated with professional practice in psychology. These skills include assessment, intervention, consultation, supervision, teaching, scholarly activity, and the application of ethical, legal, and quality assurance standards of professional practice. Unless other-

wise stated, one continuing education hour equals 60 minutes. Credit is given in one-half hour increments to the nearest one-half or full hour.

Subp. 5. **Informed written consent.** "Informed written consent" means a written statement signed by the individual making the statement that authorizes a psychologist to engage in activity which directly affects the individual signing the statement. The statement must include a declaration that the individual signing the statement has been told of and understands the purpose of the authorized activity.

Subp. 5a. **Dual relationship.** "Dual relationship" means a relationship between a psychologist and a client that is both professional and one or more of the following: cohabitational, familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for psychological services rendered.

Subp. 5b. **Familial.** "Familial" means of, involving, related to, or common to a family member as defined in subpart 5c.

Subp. 5c. **Family member or member of the family.** "Family member" or "member of the family" means a spouse, parent, offspring, or sibling, or an individual who serves in the role of one of the foregoing.

Subp. 5d. **Field of practice.** "Field of practice" means a broad area within the profession of psychology that is commonly recognized by psychologists as requiring skills not necessarily required for practice in other broad areas. Examples of field of practice are clinical, counseling, educational, industrial/organizational, and school psychology.

Subp. 6. **Licensee of the board or licensee.** "Licensee of the board" or "licensee" means either a licensed psychologist or a psychological practitioner.

Subp. 7. **Private information.** "Private information" means any information, including client records, revealed during a professional relationship between a psychologist and a client.

Subp. 8. **Professional relationship.** "Professional relationship" means the relationship between a psychologist and a client.

Subp. 9. **Psychologist.** "Psychologist" means a licensee of the board.

Subp. 9a. **Sponsor.** "Sponsor" means a person or entity who organizes a continuing education activity. A sponsor may charge a fee for attendance at an activity and may be a licensee.

Subp. 9b. **Sponsored continuing education activity or sponsored activity.** "Sponsored continuing education activity" or "sponsored activity" means a continuing education activity organized for presentation to others.

Subp. 10. [Repealed, 17 SR 2285]

Subp. 11. **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.

Subp. 12. **Variance.** "Variance" means board-authorized permission to comply with a rule in a manner other than that generally specified in the rule.

Subp. 13. **Waiver.** "Waiver" means board-authorized permission not to comply with a rule.

Statutory Authority: *MS s 148.90; 148.905; 148.911; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.0200 LICENSURE PROCESS.

The process of licensure by the board is divided into two separate parts: admission to examination and admission to licensure.

Statutory Authority: *MS s 148.90*

7200.0300 REQUIREMENTS FOR ADMISSION TO EXAMINATION.

In order to be admitted to examination an applicant must:

A. 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 and a certified check or money order made payable to the national entity sponsoring the examination;

B. 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

C. 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.

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 2988*

7200.0400 ADMISSION TO EXAMINATION.

Before July 1, 1991, an applicant who has met the requirements of parts 7200.0300, 7200.1300, subparts 1 to 3, 7200.1500, and 7200.1600 shall be admitted to the first regularly scheduled national standardized test specified in part 7200.3000, subpart 1, item A, occurring 40 days or more after the applicant has demonstrated that the requirements have been met. After June 30, 1991, an applicant who has met the requirements of parts 7200.0300, 7200.1300, subparts 1, 2, and 4, and 7200.1410 to 7200.1600, shall be admitted to the first regularly scheduled national standardized test occurring 60 days or more after the applicant has demonstrated that the requirements have been met.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.0500 DENIAL OF ADMISSION TO EXAMINATION.

An applicant who has failed to meet the education requirements in parts 7200.1300 to 7200.1600 shall be denied admission to the objective part of the examination and 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.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.0600 REQUIREMENTS FOR LICENSURE.

To be eligible for licensure an applicant must:

A. meet the requirements in part 7200.0300;

B. 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;

C. for licensure as a licensed psychologist only, have completed two years of post-degree supervised employment as stated in parts 7200.0800 and 7200.2000 to 7200.2600;

D. for licensure as a licensed psychologist only, provide evidence of having met the supervision requirements of parts 7200.0800 and 7200.2000 to 7200.2600 and Minnesota Statutes, section 148.925, subdivisions 1 and 2, paragraph (b), by means of a signed, notarized statement from the supervisor of each employment that includes the time period during which the applicant was supervised, the number of hours of face-to-face supervision per week, and verification that the supervision meets the requirements of parts 7200.0800 and 7200.2000 to 7200.2600;

E. have performed satisfactorily on all parts of the examination listed in part 7200.3000; and

F. provide evidence of having met the requirements of Minnesota Statutes, section 148.91, subdivision 4, and of not having engaged in conduct prohibited by parts 7200.4500 to 7200.5700, by means of endorsements from at least two individuals with the qualifications stated in part 7200.0900.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

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7200.0650 REQUIREMENTS FOR LICENSURE AS PSYCHOLOGICAL PRACTITIONER.

To be eligible for licensure as a psychological practitioner an applicant must meet the requirements of part 7200.0600, items A, B, E, and F.

Statutory Authority: *MS s 148.905; 148.91*

History: *17 SR 2285*

7200.0700 CONCURRENT APPLICATIONS.

An applicant may file both the application for admission to examination and the application for licensure at the same time if all requirements for licensure other than passing the three parts of the examination have been met.

Statutory Authority: *MS s 148.90; 148.905*

History: *17 SR 2285*

7200.0800 SUPERVISED EMPLOYMENT FOR LICENSED PSYCHOLOGISTS.

The application for licensure as a licensed psychologist must include for each postdegree supervised employment the setting, nature, and extent, the time period involved, the number of hours per week engaged in professional duties, the number of hours of face-to-face supervision per week, and the name, address, and qualifications of the supervisor.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.0810 FIELD OF PRACTICE, AREAS OF COMPETENCE.

The application for licensure as a licensed psychologist or a psychological practitioner must include the field of practice 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 Minnesota Statutes, section 148.91, subdivision 5. The application must include at least one field of practice.

Statutory Authority: *MS s 148.905*

History: *17 SR 2285*

7200.0900 REQUIREMENTS FOR ENDORSEMENT.

For an endorsement to meet the requirements of part 7200.0600, item F, the endorser must be a licensee of the board, an individual who is licensed to practice psychology by another state whose licensure standards are similar to the standards of this state, or an individual whose education and experience meet the licensure standards of Minnesota Statutes, section 148.91 and parts 7200.0100 to 7200.6000. In addition, the endorser cannot be an employee or family member of the applicant, a current member of the board, or an individual who has not observed the work of the applicant in the professional environment of the applicant.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1000 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. The statement must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the licensee.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1100 INQUIRIES REGARDING APPLICANTS.

The board may make inquiries when there is a question as to whether an applicant meets the requirement of part 7200.0600, item E.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1200 DENIAL OF LICENSURE.

An applicant who fails to meet all the requirements in parts 7200.0300 and 7200.0600 or 7200.0650 shall be denied licensure and 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.

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.1300 EDUCATIONAL REQUIREMENT FOR LICENSURE.

Subpart 1. **Licensed psychologist.** The educational requirement for licensure as a licensed psychologist is a doctoral degree with a major in psychology obtained in an institution accredited by a regional accrediting association to grant doctoral degrees.

Subp. 2. **Licensed psychologist by waiver.** Notwithstanding the provisions of subpart 1, the educational requirement for licensure as a licensed psychologist for any person who has met the requirements of Minnesota Statutes, section 148.921, subdivision 2, is a master of arts or science degree, including a master equivalent in a doctoral program, with a major in psychology obtained in an institution accredited by a regional accrediting association.

Subp. 2a. **Psychological practitioner.** The educational requirement for licensure as a psychological practitioner is the same as for licensure as a licensed psychologist by waiver as provided in subpart 2.

Subp. 3. **Degrees earned before July 1, 1991.** For both types of licensure based on degrees earned before July 1, 1991, the major must be:

- A. offered through a department of psychology;
- B. a major in educational psychology, child psychology, counseling psychology, or industrial psychology; or
- C. if the major is offered through an academic department or unit other than a department of psychology and its title is not listed in item B, the dissertation for the degree, or thesis if a degree requirement, must be psychological in topic and method according to the criteria in subitems (1) and (2), and the coursework leading to the degree must meet the criteria in subitem (3):

(1) 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 1988 edition, and must have the potential to directly impact upon the body of knowledge in the field of psychology.

(2) 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.

(3) At least two-thirds of the number of credits completed for the degree, excluding dissertation or thesis credits, must have been successfully earned in graduate courses which are predominantly psychological in content. Credits for postdoctoral or post master course work earned within five years after receiving the degree may be used in part to meet this requirement.

Subp. 4. **Degrees earned after June 30, 1991.** For both types of licensure based on degrees earned after June 30, 1991, the major must meet the following requirements:

A. The program offering the major must be certified to the board by the dean of the graduate school of the institution to be an organized sequence of study.

B. The transcript of the applicant must indicate:

(1) A minimum of three graduate quarter credits or their equivalent of course work earned in each of the core areas listed in units (a) to (g), or demonstrated equivalency as provided in part 7200.1410:

- (a) scientific methods;
- (b) theories of measurement;
- (c) biological bases of behavior;
- (d) cognitive-affective bases of behavior;
- (e) social bases of behavior;
- (f) personality theory and human development; and
- (g) professional ethics, standards of conduct, and issues of professional practice.

(2) A minimum of six additional graduate quarter credits or their equivalent of course work earned in the application of psychological principles to problem identification. The course work must be in the areas of assessment, evaluation, or data collection, or any combination of these areas.

(3) A minimum of six additional graduate quarter credits or their equivalent of course work in the application of psychological principles to problem solution. The course work must be in the areas of psychological intervention or data analysis or a combination of the two areas.

(4) A minimum of 2,000 hours for a doctoral degree or 600 hours for a master's degree of supervised practical field or laboratory experience in psychology related to the program of the applicant. The experience must meet the following criteria:

(a) Either the academic or the on-site supervisor must be a licensee of the board or an individual whose education and experience meet the standards imposed by Minnesota Statutes, section 148.91, and parts 7200.0100 to 7200.6000 and who is competent in the areas of practice in which supervision is provided.

(b) Reports by the trainee to consumers must be cosigned by a supervisor of the trainee or issued with a cover letter stating that the report has been reviewed and approved by the supervisor.

(c) The experience must include an average of at least two hours a week of regularly scheduled, formal face-to-face individual supervision for a placement of 40 hours per week, 1-1/2 hours for a placement of 30 hours per week, or one hour for a placement of 20 hours per week. The supervisor who is a licensee or licensable must provide an average of one hour a week of supervision, but may delegate other training to appropriate agency staff members.

(d) The experience must be completed within 24 months in not more than three settings with at least 20 hours a week and no less than one-third of the total hours in each setting.

(5) A course offered as meeting any one requirement listed under subitems (1) to (4) may not be offered to meet any other requirement, except as provided in subitem (6).

(6) If the head of a department providing a graduate program submits to the board a list of courses in the program by title and number, which in the opinion of the department head meet one or more of the requirements of this subpart, the list will be used as an aid in determining whether the courses offered by the applicant meet the requirements of this subpart. The department head's list may subdivide courses by core area listed in item B, subitem (1), provided that courses so subdivided collectively provide a minimum of three quarter credits or their equivalent in each core area addressed.

(7) An applicant for licensure as a licensed psychologist on the basis of a master's degree is considered as having met the requirements of Minnesota Statutes, section 148.921, subdivision 2, clause (1), if the applicant had been accepted into the program by November 1, 1991, whether the applicant had enrolled in a class by that date. An applicant who entered the program by November 1, 1991, and who later transferred to another program

is considered as having met the requirements of Minnesota Statutes, section 148.921, subdivision 2, clause (1).

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988; 17 SR 2285*

7200.1400 [Repealed, 14 SR 74]

7200.1410 CORE AREA COURSE CREDIT EQUIVALENCE.

In lieu of credits earned in a core area listed in part 7200.1300, subpart 4, item B, an applicant may offer a certification to the board by the chair of the department that the applicant has passed an examination in that core area required for the master's degree or for admission to candidacy for a doctoral degree.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1450 POSTDEGREE PROGRAM COMPLETION.

An applicant with a doctoral or master's degree earned after June 30, 1991, may correct deficiencies in the graduate program by completing no more than two core area courses and all or part of the practical field or laboratory experience, provided the deficiencies are corrected within one year after the date upon which the application for admission to examination is submitted.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1500 INSTITUTIONAL ACCREDITATION.

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

Statutory Authority: *MS s 148.90*

7200.1600 DEGREES FROM FOREIGN INSTITUTIONS.

Subpart 1. **Canadian institutions.** A degree from a Canadian institution regulated by the provincial government shall be accepted as meeting standards required for accreditation of a domestic institution.

Subp. 2. **Other foreign institutions.** When a degree from a foreign institution other than a Canadian institution is offered as meeting the requirements of part 7200.1300, at least two board members shall evaluate the institution granting the degree and recommend admission of the applicant to examination if:

A. the institution is chartered, authorized, or monitored by an agency of the central government of the country in which the institution is located;

B. the institution offers organized advanced degree programs leading to the equivalent of a master's or doctoral degree in psychology as specified in part 7200.1300, and the programs and courses are equivalent to programs and courses offered by regionally accredited domestic institutions as determined by a comparison of subject matter and number of hours necessary to receive credit for a program or course;

C. the program leading to the advanced degree must have been in existence for at least ten years and must be recognized by the central government of the country in which the institution is located as entitling the holder of the degree to practice psychology in that country; and

D. the major meets the requirements of part 7200.1300.

Subp. 3. **Translation costs.** The cost of translating any transcript or other documentation shall be borne by the applicant.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1700 DEGREE MAJORS IN OTHER PROFESSIONS.

A degree major in any profession listed in Minnesota Statutes, section 148.97, subdivision 3, is not a major in psychology as defined in part 7200.1300, subparts 3, item C, and 4.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1800 BURDEN OF PROOF.

The burden of proof is on the applicant to demonstrate to the board that the degree program as evidenced by the transcript of the applicant meets the requirements of part 7200.1300.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1900 EMPLOYMENT REQUIREMENTS FOR LICENSURE AS LICENSED PSYCHOLOGIST.

Parts 7200.2000 to 7200.2600 apply to applicants for licensure as licensed psychologists.

Statutory Authority: *MS s 148.905*

History: *17 SR 2285*

7200.2000 PROFESSIONAL EMPLOYMENT REQUIREMENTS.

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

A. Involve the application of psychological principles as stated in the definition of "practice of psychology" in Minnesota Statutes, section 148.89, subdivision 5.

B. Be under supervision as provided in Minnesota Statutes, section 148.925, subdivisions 1, 2, paragraph (b), and 3. The supervisor must not be an employee or a member of the family of the applicant. The independent practice of psychology for a fee in this state is not allowed before licensure and shall not be credited toward the employment requirement for licensure.

C. Hours spent in supervision, research, charting, report writing, staff meetings, patient care conferences, and required training sessions, as well as hours spent in direct client contact, count as hours of employment for the purposes of part 7200.0600, item C.

D. Be performed competently as judged by the supervisor.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988; 17 SR 2285*

7200.2100 CRITERIA FOR PROFESSIONAL EMPLOYMENT.

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

Statutory Authority: *MS s 148.90*

7200.2200 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.

Statutory Authority: *MS s 148.90*

7200.2300 EXPERIENCES REQUIRED FOR A DEGREE.

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 licensure.

Statutory Authority: *MS s 148.90; 148.905*

History: *17 SR 2285*

7200.2400 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 em-

ployment 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.

Statutory Authority: *MS s 148.90*

7200.2500 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 part 7200.2000 and Minnesota Statutes, section 148.925, subdivisions 1 and 2, paragraph (b), with regularly scheduled vacation periods and holidays considered as days worked. Full-time employment consists of at least 1,800 hours during a 12-month period.

Statutory Authority: *MS s 148.90; 148.905*

History: *17 SR 2285*

7200.2600 CREDITING PART-TIME EMPLOYMENT.

Part-time employment shall be credited by the board on a prorated 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, and if the employment includes at least two hours of face-to-face supervision in a two-week period, for employment of less than 25 hours per week, all with the supervisor as defined in part 7200.0100, subpart 10.

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988*

7200.3000 EXAMINATIONS.

Subpart 1. **Three parts to examination.** The examination is composed of three parts:

A. a national standardized test in psychology, the cost of which is determined by the national entity sponsoring the examination;

B. a written, objective part covering the rules of the Board of Psychology and Minnesota Statutes, sections 148.89 to 148.98, which may be taken after the education requirements for licensure have been met; and

C. an oral part in the applicant's field of practice conducted by members of the board or its duly authorized representatives after the application for licensure has been accepted by the board, provided that the employment required by Minnesota Statutes, section 148.91, will have been completed before the next board meeting.

Subp. 1a. **Passing scores.** The passing score for each part of the examination is the same for both levels of licensure.

Subp. 2. **Announcement of examination.** The date of the national standardized test shall be announced by the board. The announcement shall establish time, place, the amount of the examination application fees payable to the board and to the entity sponsoring the examination, and the date by which documentation for the application for admission to examination must be completed to qualify for the announced test.

Subp. 3. **Notification to admitted applicants.** The board shall notify in writing each applicant who has been admitted to a part of the examination. The notice shall state the date, time, and place where the applicant is scheduled to be examined. An applicant who fails to appear at the scheduled time for a part listed in subpart 1, item B or C, must submit a written request for deferment within 15 days after that date or forfeit the application fee. An applicant who fails to appear at the scheduled time for the part listed in subpart 1, item A, forfeits the application fee payable to the board.

Subp. 4. **Satisfactory performance on examination.** In order to qualify for licensure, the applicant must perform satisfactorily on all parts of the examination.

An applicant for licensure who has performed satisfactorily on any part of the examination in another state or for another type of licensure is considered as having met the requirements of this rule with respect to that part of the examination.

Subp. 5. **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.

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988 17 SR 2285*

7200.3100 DISPLAY OF LICENSE.

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

Statutory Authority: *MS s 148.90*

7200.3200 TERM OF LICENSE.

A license is valid for the period beginning with the date on which the license is originally granted or granted after termination pursuant to part 7200.3600 or 7200.3700 and ending two years later on the last day of the month in which the license is granted. Thereafter the license is renewable for periods of two years, ending with the last day of the month in which the license is granted.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3300 NOTICE OF LICENSE 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 part 7200.3400.

Statutory Authority: *MS s 148.90; 214.06*

7200.3400 RENEWAL DEADLINE.

Subpart 1. Renewal date, information required. 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 a list of the continuing education activities since initial licensure or the preceding renewal, whichever applies, and an affirmation that the statements on the renewal application are true and correct to the best knowledge and belief of the licensee. The continuing education list must include the names of the sponsors, the dates and title of the activity, and the number of hours credited. The license renewal certificate shall not be issued unless the licensee has demonstrated that the requirements of parts 7200.3820 to 7200.3840 have been met. Each licensee is responsible for keeping documentation of the licensee's attendance at sponsored continuing education activities or completion of individually designed activities for two years after the renewal date.

Subp. 2. Temporary renewal certificate. If the licensee is unable to meet the continuing education requirement by the renewal date, the licensee may request a time-limited variance to fulfill the requirement after the renewal date. The variance request must meet the requirements of part 7200.6000, subpart 1, and include a written plan listing the activities, including the dates and the number of hours for each, offered to meet the requirement. Hours completed after the renewal date pursuant to the written plan shall count toward meeting only the requirements of the previous renewal period. A variance granted under this subpart expires six months after the renewal date. Upon board approval of the variance, and completion of all other requirements of subpart 1, the board shall issue a temporary renewal certificate that expires upon verification of completion of requirements or the end of the variance period, whichever comes first.

Subp. 3. Psychological practitioner requirements. The renewal application of a psychological practitioner must include the beginning and ending dates and hours worked per month for each position held during the preceding two years, the name of the supervising licensee and number of hourly one-to-one supervisory consultation contacts per month for each position held, and verification by each supervising licensee that the supervisory consultation met the requirements of Minnesota Statutes, section 148.925, subdivision 2, paragraph (a). If the supervising licensee is deceased or otherwise not available, verification may be provided by an agency director or clinical director who has knowledge of the supervisory consultations, or by affidavit or other acceptable documentation, such as a log.

Subp. 4. Content of supervisory consultation. The supervisory consultations between the supervising licensee and the psychological practitioner who is preparing for licensure as a licensed psychologist must meet the requirements of Minnesota Statutes, section 148.925,

subdivision 2, paragraph (b), and be verified as provided in subpart 3 at the time of license renewal.

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.911; 214.06*

History: *17 SR 2285*

7200.3500 LATE FEES.

An application for renewal postmarked after the last day of the last month during which the license is in effect is valid only upon payment of both the current renewal fee and current late fee.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3510 TERMINATION NOTICE.

Within 30 days after the renewal date, a licensee who has not renewed the license shall be notified by registered or certified letter sent to the last known address of the licensee in the file of the board that the renewal is overdue and that failure to pay the current fee and current late fee within 60 days after the renewal date will result in termination of the license. A second notice shall be sent at least seven days before a board meeting occurring 60 days or more after the renewal date to each licensee who has not remitted the renewal fee and late fee.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3600 [Repealed, 14 SR 74]

7200.3605 TERMINATION FOR NONRENEWAL OF LICENSE.

The board by means of a roll call vote shall terminate the license of a licensee whose license renewal is at least 60 days overdue and to whom notification has been sent as provided in part 7200.3510. Failure of a licensee to receive notification is not ground for later challenge of the termination. The former licensee shall be notified of the termination by registered or certified letter within seven days after the board action, in the same manner as provided in part 7200.3510. Failure of the former licensee to receive notice of termination is not ground for challenging the termination.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3610 RELICENSURE FOLLOWING TERMINATION.

Subpart 1. Relicensure requirements. A former licensee whose license has been voluntarily terminated or terminated as provided in part 7200.3605 may be relicensed after complying with all laws and rules required of applicants for examination and licensure and verifying that the former licensee has not engaged in the private practice of psychology in this state since the date of termination. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee. The fee for relicensure following termination is the licensure fee in effect at the time of application for relicensure, and rules governing relicensure are the rules in effect at the time the initial license was granted.

Subp. 2. Continuing education requirements for relicensure. A former licensee seeking relicensure who holds a license to practice in another state must provide verification from the other state that the licensee has met the continuing education requirements of the other state since termination of the Minnesota license. A former licensee seeking relicensure after license termination who has not held a license to practice in any state since termination of the Minnesota license must provide evidence of having completed at least 40 hours of continuing education activities that meet the requirements of parts 7200.3810 to 7200.3840.

Statutory Authority: *MS s 148.90; 148.905; 148.911; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.3620 PRACTICING WITHOUT A LICENSE.

A former licensee seeking relicensure following termination as provided in part 7200.3605 who has engaged in the independent practice of psychology in this state since the

date of termination is subject to disciplinary action at the time the new license is granted or to denial of licensure.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.3700 VOLUNTARY TERMINATION.

A license may be voluntarily terminated at any time upon written notification to the board, unless a complaint is pending against the licensee. The notification must be received by the board prior to termination of the license for failure to renew. A former licensee may be licensed again only after complying with all laws and rules, as provided in part 7200.3610 for relicensure after termination.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3800 [Repealed, 14 SR 74]

CONTINUING EDUCATION

7200.3810 PURPOSE OF CONTINUING EDUCATION.

The purpose of mandatory continuing education is to:

A. promote the health and well being of the residents of Minnesota who receive services from licensees; and

B. promote the professional development of providers of these services.

The continued professional growth and maintenance of competence in providing psychological services are the ethical responsibilities of each licensee.

Statutory Authority: *MS s 148.905; 148.911*

History: *17 SR 2285*

7200.3820 CONTINUING EDUCATION REQUIREMENTS.

Except as provided in part 7200.3840, as a requirement for license renewal, each licensee must have completed during the preceding renewal period a minimum of 40 hours of continuing education activities approved by the board according to part 7200.3830.

Statutory Authority: *MS s 148.905; 148.911*

History: *17 SR 2285*

7200.3830 APPROVAL OF CONTINUING EDUCATION ACTIVITIES.

Subpart 1. **Continuing education activities eligible for approval.** The activities in items A to G are designated as sponsored activities that may be used to meet continuing education requirements, provided they meet the definition of continuing education in part 7200.0100, subpart 4a, and pertain to psychology or enhance psychological skills.

A. Developing and teaching an academic course in psychology in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. One academic credit, unit, or hour equals ten continuing education hours. Acceptable documentation is verification from the dean or head of the department of the institution that the licensee taught the course for the first time and of the number of credits, units, or hours assigned by the institution.

B. Completing satisfactorily a graduate level course in psychology offered by an institution accredited by a regional accrediting association. The course need not be submitted for prior approval by either the sponsor or the individual licensee. Acceptable documentation is an academic transcript showing graduate credits earned. One academic credit, unit, or hour equals 20 continuing education hours.

C. Developing a presentation for workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations, or postdoctoral institutes. Acceptable documentation is a printed program or agenda. One hour of development equals one continuing education hour and up to three hours of development time may be claimed for each hour of presentation. Continuing education hours may be earned only for development for the licensee's first presentation on the subject developed.

D. Authoring, editing, or reviewing a psychological publication. Continuing education hours may be earned only in the year of publication or first distribution. Acceptable documentation includes a publication cover sheet, masthead, table of contents, or marketing materials. The maximum hours earned are as follows:

- (1) author of a professional or scientific book, 40 hours;
- (2) author of a professional or scientific book chapter or journal article, 20 hours;
- (3) editor of a professional or scientific book, 30 hours;
- (4) editor of a professional or scientific journal, 30 hours;
- (5) journal article review, one hour per manuscript; and
- (6) other professional or scientific activities not covered in subitems (1) to (5), including preparation of products such as tests, videotaped materials, and computer programs. Up to 40 hours may be credited, the amount to be determined by the board using the amounts in subitems (1) to (4) as guidelines.

E. Attendance at workshops, seminars, symposia, colloquia, invited speaker sessions, postdoctoral institutes, or scientific or professional programs offered at meetings of local, state, regional, national, or international professional or scientific organizations, or audited graduate courses at an institution accredited by a regional accrediting association. Acceptable documentation includes a certificate of attendance or a transcript. For activities which do not provide a certificate of attendance or transcript, documentation includes a registration receipt with a printed program.

F. Completion of audio-visual or other home study courses. Acceptable documentation includes transcripts, personal notes, or posttests. Three hours of activity equals one continuing education hour.

G. Service on board oral examination panels. One day of service equals eight continuing education hours. Continuing education hours may be credited once per renewal period.

Subp. 2. Sponsor request for approval. A sponsor may request in writing board approval at any time for activities intended to meet continuing education requirements. The sponsor shall be notified within 45 days after receipt of a request that includes the information required in subpart 4 whether the activity has been approved or denied. Materials advertising approved activities may include the statement: "THIS PROGRAM HAS BEEN APPROVED BY THE MINNESOTA BOARD OF PSYCHOLOGY FOR (NUMBER) CONTINUING EDUCATION HOURS." Materials advertising nonapproved activities may not include such a statement or otherwise imply board approval. Violation of this subpart by a sponsor who is a licensee is grounds for disciplinary action.

Subp. 3. Licensee request for approval. A licensee may at any time request in writing the approval of activities sponsored by other entities to meet the licensee's continuing education requirements. The licensee shall be notified within 45 days after receipt of a request that includes the information required in subpart 4 whether the activity has been approved or denied.

Subp. 4. Information required for approval. A request for approval under subpart 2 or 3 must include the following information:

- A. the name and address of sponsor;
- B. the names and credentials of instructors;
- C. an outline of topics to be covered;
- D. the number of hours of actual instruction;
- E. the mechanism for monitoring and certifying attendance;
- F. the location at which the activity will be conducted;
- G. the date of the activity; and
- H. a statement of the educational objectives, expected outcomes, and targeted participants.

Materials advertising the activity must include the information provided under this subpart exactly as stated in the request for approval.

Subp. 5. **Approval of individually designed continuing education activities.** A licensee may obtain a maximum of 15 of the required 40 hours through individually designed continuing education activities which do not include sponsored activities. A licensee may submit a written proposal at any time. The licensee shall be notified within 45 days after receipt of a proposal that includes the information required in this subpart whether the proposal has been approved or denied. The request must include the following:

- A. the rationale for pursuing an individually designed activity;
- B. specific goals and objectives, and an explanation of how the goals and objectives are related to the enhancement of the psychologist's professional skills;
- C. an outline of the topics to be covered;
- D. a description of resources and activities;
- E. the proposed documentation of completion of activity, to be kept by the licensee through the following renewal period for random verification by the board; and
- F. an estimate of time to be expended in the activity, and the number of continuing education hours requested, using the following guidelines: three hours of reading/study equals one continuing education hour; one hour of tutoring, consultation, or supervision received equals one continuing education hour.

Subp. 6. **Criteria for approval.** Approval of continuing education activities shall be based on the following criteria:

- A. for sponsored activities, submission of the information required in subpart 4;
- B. for individually designed activities, submission of the information required in subpart 5;
- C. relevance to the practice of psychology or to the development of new professional skills of licensees;
- D. relation of the proposed topics to the body of psychological knowledge; and
- E. the qualifications of consultants, tutors, supervisors, instructors, and other individuals used as resources, and the relevancy of those qualifications to the topics presented.

Statutory Authority: *MS s 148.905; 148.911*

History: *17 SR 2285*

7200.3840 CONTINUING EDUCATION HOURS FOR FIRST RENEWAL AFTER BEGINNING DATE.

Parts 7200.0100 to 7200.3840 are effective on the first day of the month following publication of their notice of adoption in the State Register. Continuing education requirements for the first renewal following the effective date are as follows:

- A. for licensees whose renewal dates occur less than six months after the effective date, no continuing education hours;
- B. for licensees whose renewal dates occur at least six months but less than one year after the effective date, ten continuing education hours;
- C. for licensees whose renewal dates occur at least one year but less than 18 months after the effective date, 20 continuing education hours; and
- D. for licensees whose renewal dates occur at least 18 months but less than two years after the effective date, 30 continuing education hours.

Statutory Authority: *MS s 148.905; 148.911*

History: *17 SR 2285*

7200.3900 [Repealed, 17 SR 2285]

RULES OF CONDUCT

7200.4500 RULES OF CONDUCT.

Subpart 1. **Scope.** The rules of conduct constitute the code of ethics as required by Minnesota Statutes, section 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.

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

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

Subp. 4. **Aid to interpretation.** The Ethical Principles of Psychologists and Code of Conduct 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. The Ethical Principles of Psychologists and Code of Conduct, published in *American Psychologist* by the American Psychological Association, December 1992, is incorporated by reference and is available at the state law library. It is not subject to frequent change.

Statutory Authority: *MS s 148.90; 148.905; 148.98*

History: *17 SR 2285*

7200.4600 COMPETENCE.

Subpart 1. **Limits on practice.** 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.

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

Subp. 2a. **Burden of proof.** Whenever a complaint is submitted alleging violation of subpart 1 or 2, the burden of proof is upon the psychologist to demonstrate the education and training that supports the psychologist's claim of competence.

Subp. 3. **Consultation with other professionals.** 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.

Subp. 4. **Referrals.** 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.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.4700 PROTECTING THE PRIVACY OF CLIENTS.

Subpart 1. **In general.** A psychologist shall safeguard the private information obtained in the course of practice, teaching, or research. With the exceptions listed in subparts 2, 4, 5, 10, and 12, private information is disclosed to others only with the informed written consent of the client.

Subp. 2. **Disclosure without written consent.** Private information may be disclosed without the informed written consent of the client when 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 individual. 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.

Subp. 3. **Dual clients.** Whenever psychological services are requested or paid for by one client for another, the psychologist must inform both clients of the psychologist's responsibility to treat any information gained in the course of rendering the services as private information.

Subp. 4. **Minor clients.** At the beginning of a professional relationship, a psychologist must inform a minor client that the law imposes a limit on the right of privacy of the minor with respect to the minor's communications with a psychologist.

Subp. 5. **Limited access to client records.** A psychologist shall limit access to client records and shall inform every individual 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, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

Subp. 6. **Statements for services.** 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.

Subp. 7. **Case reports.** Case reports or other clinical materials used in teaching, professional meetings, or publications shall be disguised so that no identification of the individual occurs.

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

Subp. 9. **Records to remain private.** 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.

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

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

Subp. 12. **Disciplinary cases.** A psychologist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.4800 [Repealed, 14 SR 74]

7200.4810 IMPAIRED OBJECTIVITY, EFFECTIVENESS.

Subpart 1. **Psychological services prohibited.** A psychologist must not provide psychological services to a client or potential client when the psychologist's objectivity or effectiveness is impaired.

Subp. 2. **Elements of impaired objectivity, effectiveness.** A psychologist's objectivity or effectiveness is impaired whenever:

- A. the psychologist has a dual relationship with a client;
- B. the psychologist misuses the relationship with a client due to a relationship with another individual or entity;
- C. the psychologist is biased against a client because of the client being a member of a class of individuals that is legally protected from discrimination;
- D. the psychologist is dysfunctional as a result of a severe physical or mental health problem, including chemical abuse or dependency; or
- E. the psychologist exploits the professional relationship with a client for the psychologist's emotional, financial, sexual, or personal advantage or benefit.

Subp. 3. **Termination of services.** Whenever a psychologist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the psychologist must notify the client orally and in writing that the psychologist can no longer see the client professionally and must assist the client in obtaining services from another professional.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.4900 CLIENT WELFARE.

Subpart 1. **Providing explanation of procedures.** 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 individual under the direction of the psychologist.

Subp. 1a. Client records. A client who is the direct recipient of psychological services has the right of access to the records relating to psychological services maintained by the psychologist on that client, as provided in Minnesota Statutes, section 144.335, subdivision 2, provided the records are not classified as confidential under Minnesota Statutes, section 13.84. A psychologist must maintain an accurate record for each client. Each record must minimally contain:

A. an accurate chronological listing of all client visits, together with fees charged to the client or a third-party payer;

B. copies of all correspondence relevant to the client;

C. a client personal data sheet; and

D. copies of all client authorizations for release of information and any other legal forms pertaining to the client.

A psychologist who is an employee of an agency or facility need not maintain client records separate from records maintained by the agency or facility.

Subp. 2. Statement of competence; clients' rights. 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, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

D. to report complaints to the Board of Psychology, 2700 University Avenue, West, Suite 101, Saint Paul, MN 55114;

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;

H. to have access to their records as provided in subpart 1a and Minnesota Statutes, section 144.335, subdivision 2; and

I. to be free from exploitation for the benefit or advantage of the psychologist.

Subp. 3. Stereotyping. 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.

Subp. 4. Preferences and options for treatment. 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.

Subp. 5. Conflict between psychologist and client. 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.

Subp. 6. Termination of services. 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.

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

Subp. 7a. **Exploitation of client.** A psychologist must not exploit in any manner the professional relationship with a client for the psychologist's emotional, financial, sexual, or personal advantage or benefit.

Subp. 8. **Sexual contact with a client.** 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, genital areas, buttocks, or thighs of either sex by either the psychologist or the client. A psychologist must not engage in sexual intercourse or other physical intimacies with a former client for a period of two years following the date of the last professional contact with the client, whether or not the psychologist has formally terminated the professional relationship.

Subp. 9. **Coordinating services with other professionals.** 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.

Subp. 10. **Complaints to board.** A psychologist, for purposes of this subpart the "first psychologist," shall file a complaint with the board when the first psychologist has reason to believe that a second psychologist is having or has had sexual contact with a client in violation of subpart 8, or has failed to report abuse of children or vulnerable adults in violation of part 7200.4700, subpart 11. This requirement to file a complaint does not apply when the belief is based on information obtained by the first psychologist in the course of providing psychological services to the second psychologist. Nothing in this part relieves the first psychologist from the duty to file a report as required by Minnesota Statutes, section 626.556 or 626.557, regarding abuse of children and vulnerable adults.

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

Subp. 12. **Information on complaint procedure.** 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.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988; 17 SR 2285*

7200.5000 ASSESSMENTS, TESTS, REPORTS.

Subpart 1. **Test information for users.** Except for research purposes, psychological tests used by psychologists must include a manual or other published information which fully describes the development of the test, the rationale for the test, the validity and reliability of the test, and normative data.

Subp. 1a. **Computerized testing services.** A psychologist who uses computerized testing services is responsible for the legitimacy and accuracy of the test interpretations. Computer generated interpretations of tests must be used only in conjunction with professional judgment. A psychologist must indicate when a test interpretation is not based on direct contact with the client, that is, when it is a blind interpretation.

Subp. 1b. **Administration and interpretation of tests.** A psychologist must be qualified to administer and interpret tests employed and must be prepared to explain to the client the purposes, applications, scoring, and interpretation of those tests.

Subp. 2. **Offering tests for publication.** A psychologist must offer psychological tests for commercial publication only to those publishers who present tests in a professional manner and who distribute them only to qualified professional users. The psychologist must ensure that test advertisements are factual and descriptive.

Subp. 3. **Reports.** The provision of a written or oral report, including testimony of a psychologist as an expert witness, concerning the psychological or emotional health or state of a client, is a psychological service. The report must include:

A. a description of all assessments, evaluations, or other procedures upon which the psychologist's conclusions are based;

B. any reservations or qualifications concerning the validity or reliability of the conclusions formulated and recommendations made, taking into account the conditions under which the procedures were carried out, the limitations of scientific procedures and psychological descriptions, and the impossibility of absolute predictions;

C. a notation concerning any discrepancy, disagreement, or conflicting information regarding the circumstances of the case that may have a bearing on the psychologist's conclusions; and

D. a statement as to whether the conclusions are based on direct contact between the psychologist and the client.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5100 PUBLIC STATEMENTS.

Subpart 1. False or misleading information. 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.

Subp. 2. Misrepresentation. 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.

Subp. 3. Limit on use of degree. A psychologist licensed by virtue of a master's degree who has a doctorate from an institution that is not accredited by a regional accrediting association or whose doctoral major does not meet the education requirements for licensure may not use the term "Doctor," "Ph.D.," "Psy.D.," or "Ed.D." with the psychologist's name in any situation or circumstance related to the practice of psychology.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.5200 FEES AND STATEMENTS.

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

Subp. 2. Itemized fee statement. 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 individual providing the service, and the name of the individual who is professionally responsible for the service.

Subp. 3. No misrepresentation. 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 individual who is professionally responsible for the services provided.

Subp. 4. Fees to be claimed only by provider. A psychologist shall not claim a fee for services unless the psychologist is either the direct provider of the services or the individual who is professionally responsible for the provision of the services and under whose direction the services were provided.

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

Subp. 6. [Repealed, 14 SR 74]

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5300 AIDING AND ABETTING UNLICENSED PRACTICE.

A psychologist shall not aid or abet an unlicensed individual or a psychological practitioner in engaging in the independent practice of psychology. A psychologist who supervises a psychological practitioner or an individual preparing for licensure as a licensed psychologist according to Minnesota Statutes, section 148.97, subdivision 3, clause (2), is not in violation of this part if the supervised individual is not engaging in the independent practice of psychology and, if preparing for licensure as a licensed psychologist, is salaried or offering services pro bono.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.5400 WELFARE OF STUDENTS, SUPERVISEES, AND RESEARCH SUBJECTS.

A psychologist shall protect the welfare of psychology students, supervisees, and research subjects and shall accord the students, supervisees, and human research subjects the client rights listed in parts 7200.4700 and 7200.4900, except for parts 7200.4700, subparts 4 and 6, and 7200.4900, subparts 4, 6, and 9.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5500 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:

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

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

C. 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.

Statutory Authority: *MS s 148.90; 148.98*

7200.5600 DECEPTION OR FRAUD.

A psychologist must not engage in any conduct likely to deceive or defraud the public or the board.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5700 UNPROFESSIONAL CONDUCT.

A psychologist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating parts 7200.4600 to 7200.5600 or violating those standards of professional behavior that have become established by consensus of the expert opinion of psychologists as reasonably necessary for the protection of the public interest.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

WAIVERS AND FEES

7200.6000 WAIVERS AND VARIANCES.

Subpart 1. **Application.** A licensee or applicant for licensure may petition the board for a time-limited waiver or variance of any rule except for any part of a rule which incorporates a statutory requirement. The waiver or variance shall be granted if:

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A. adherence to the rule would impose an undue burden on the petitioner;
B. the granting of a waiver or variance will not adversely affect the public welfare;
and

C. in the case of a variance, the rationale for the rule in question can be met by alternative practices or measures specified by the petitioner.

Subp. 2. Renewal, reporting, and revocation. A waiver or variance shall be renewed upon reapplication according to the procedure described in subpart 1 if the circumstances justifying its granting continue to exist. Any petitioner who is granted a waiver or variance shall immediately notify the board in writing of any material change in the circumstances which justify its granting. A waiver or variance shall be revoked if a material change in the circumstances which justify its granting occurs or, in the case of a variance, if the petitioner has not complied with the alternative practices or measures specified in the petition.

Subp. 3. [Repealed, 17 SR 2285]

Subp. 4. [Repealed, 17 SR 2285]

Subp. 5. [Repealed, 17 SR 2285]

Subp. 6. Burden of proof. The burden of proof is upon the petitioner to demonstrate to the board that the requirements in subpart 1 have been met.

Subp. 7. 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.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

7200.6100 FEES.

Fees for licensure of psychologists payable to the board are as follows:

- A. application for admission to examination, \$25;
- B. application for licensure, \$250;
- C. renewal of license, \$250;
- D. late renewal of license, \$160;
- E. application for licensure as a psychological practitioner, \$180;
- F. renewal of license for a psychological practitioner, \$180; and
- G. late renewal of license for a psychological practitioner, \$120.

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.98; 214.06*

History: *10 SR 1266; 12 SR 2789; 14 SR 2988; 15 SR 1542; 17 SR 2285*

7200.6150 SPECIAL FEE.

Each licensee licensed before May 20, 1991, shall be assessed a one-time fee in the amount of \$40 to be remitted to the board on or before June 25, 1991, for the purpose of covering the board's legal expenses. The board shall withhold the new license or renewal certificate of any licensee who fails to remit the fee by June 25, 1991, until the fee and a late fee of \$10 is paid.

Statutory Authority: *MS s 148.90; 148.91; 214.06*

History: *15 SR 2430*

7200.6160 SPECIAL FEE.

Each licensee licensed before March 29, 1993, shall be assessed a one-time fee in the amount of \$35, to be remitted to the board on or before April 1, 1993, for the purpose of covering the board's nonrecurring expenses in implementing changes to the licensing law for psychologists. The board shall withhold the renewal certificate of any licensee who fails to remit the fee by April 1, 1993, until the fee is paid.

Statutory Authority: *MS s 148.905*

History: *17 SR 2285*