

CHAPTER 9000
OFFICE OF MENTAL HEALTH PRACTICE
MENTAL HEALTH PRACTICE

9000.0100 DEFINITIONS.

9000.0170 BILL OF RIGHTS.

9000.0050 [Repealed, 28 SR 1249]

9000.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 9000.0100 to 9000.0200, the following terms have the meanings given them.

Subp. 2. [Repealed, 28 SR 1249]

Subp. 3. [Repealed, 28 SR 1249]

Subp. 4. **Mental health services.**

A. "Mental health services" means the provision of any assessment; diagnosis; treatment; counseling; therapy, including guidance, pastoral mental health counseling, treatment or therapy for addiction, abuse, or abusive behavior exhibited or received by an individual; psychotherapy; hypnotherapy or hypnoanalysis; personal analysis; or other mental health services for remuneration. Mental health services are services that are designed to alleviate symptoms, change or reduce disturbed patterns of behavior, enhance intrapsychic awareness, and increase the ability of the individual to adapt to and cope with internal and external stress. Mental health services must use interpersonal, intrapsychic, or behavioral methods. Mental health services may be provided to individuals, couples, families, or groups who are experiencing a problem behavior; have social, interpersonal, or intrapersonal dysfunction; or have cognitive or emotional distress, unwanted anxiety, or other mental, psycho-physiological, or psycho-social conditions that they seek to alleviate.

B. "Mental health services" includes those services in item A. Mental health services does not include services that are:

- (1) primarily for entertainment;
- (2) primarily informational;
- (3) primarily for client advocacy; or
- (4) related to a custodial or maintenance function.

C. "Mental health services" does not include the following areas of practice unless the primary focus is the provision of services as defined in item A: educational, vocational, or career guidance; and spiritual counseling or pastoral care of a congregation, or a congregation member, by clergy when the care is not related to the provision of mental health services in item A.

Subp. 5. **Provider.** "Provider" means a person who provides or purports to provide mental health services for remuneration. A mental health service provider may be:

A. a counselor (crisis, grief, eating disorder, compulsion, phobia or anxiety, drug and alcohol addiction, mental health, pastoral mental health, or sexual and physical abuse);

B. a school and college counselor, if the counselor is providing mental health services as defined in subpart 4;

C. a rehabilitation officer or counselor, if the person provides mental health services as defined in subpart 4;

D. a social worker or marriage and family therapist, if the person is exempt from licensure under Minnesota Statutes, section 148B.28, subdivision 4 or 5, or 148B.38;

9000.0100 MENTAL HEALTH PRACTICE

2

E. a therapist in an area related to child care, education, new age therapy, holistic therapy, dance, music, or recreation, if the therapist is providing mental health services as defined in subpart 4;

F. a hypnotist or hypnotherapist;

G. a behavior modification practitioner or analyst; and

H. any other person, regardless of title, providing mental health services for remuneration who is not exempt from filing or is not one of the licensed providers described in Minnesota Statutes, section 148B.40, subdivision 3.

Subp. 6. **Remuneration.** "Remuneration" means a fee, salary, gift, reward, compensation, barter, or the expectation of payment or voluntary donation from the mental health client, or from the client's agent, insurer, employer, or other representative for providing mental health services.

Subp. 7. [Repealed, 28 SR 1249]

Statutory Authority: *MS s 148B.41; 148B.47*

History: *14 SR 2713; 28 SR 1249*

9000.0110 [Repealed, 28 SR 1249]

9000.0120 [Repealed, 28 SR 1249]

9000.0130 [Repealed, 28 SR 1249]

9000.0140 [Repealed, 28 SR 1249]

9000.0150 [Repealed, 28 SR 1249]

9000.0160 [Repealed, 28 SR 1249]

9000.0170 BILL OF RIGHTS.

A provider of mental health services must provide clients with the client's bill of rights as required under Minnesota Statutes, section 148B.46, including the right to choose freely among available providers. For clients incarcerated in a state or contractual community correctional facility or committed to an institution under a court order, "available providers" means those providers who provide services in the correctional facility in which the client is incarcerated or in the institution to which the client is committed.

Statutory Authority: *MS s 148B.41; 148B.47*

History: *14 SR 2713*

9000.0190 [Repealed, 28 SR 1249]

9000.0200 [Renumbered 2885.0200]

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9000.0800 [Renumbered 2885.0800]