

2150.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 2150.0050 to 2150.7610 have the meanings given in this part.

Subp. 2. **Applicant.** "Applicant" means an individual who has submitted to the board an application for licensure.

Subp. 3. **Board.** "Board" means the Board of Behavioral Health and Therapy.

Subp. 4. **Client.** "Client" means an individual or entity who is the recipient of any of the professional counseling services described in Minnesota Statutes, section 148B.50, subdivisions 4 and 5, or the professional clinical counseling services described in Minnesota Statutes, section 148B.5301, subdivision 5. Client also means "patient" as defined in Minnesota Statutes, section 144.291, subdivision 2, paragraph (g).

Subp. 5. **Competence.** "Competence" means the ability to provide services within the practice of licensed professional counseling under Minnesota Statutes, section 148B.50, or licensed professional clinical counseling under Minnesota Statutes, section 148B.5301, subdivision 5, that:

A. are rendered with reasonable skill and safety;

B. meet minimum standards of acceptable and prevailing practice as described in part 2150.7600; and

C. take into account human diversity.

Subp. 6. **Dependent on the provider.** "Dependent on the provider" means that the nature of a former client's emotional or cognitive condition and the nature of the services by the provider are such that the provider knows or should have known that the former client is unable to withhold consent to sexual exploitative behavior by the provider.

Subp. 7. **Dual clients.** "Dual clients" means two or more individuals or entities that are each a corecipient of professional counseling or professional clinical counseling services. Dual clients may include but are not limited to two or more family members, when each is the direct recipient of services; each client receiving group counseling services; a court and a client under court order to receive counseling services; or an employer and employee when the employee receives services in order to provide the employer with information regarding an employment matter.

Subp. 8. **False or misleading information.** "False or misleading information" means any public statement that contains a material misrepresentation or omission of fact that is likely to create an unjustified expectation about results the provider can achieve or that compares the provider's services with other providers' services, unless the comparison can be factually substantiated.

Subp. 9. **Familial.** "Familial" means of, involving, related to, or common to a family member as defined in subpart 10.

Subp. 10. **Family member or member of the family.** "Family member" or "member of the family" are relatives in the first degree, which means a spouse, parent, offspring, sibling, grandparent,

grandchild, uncle, aunt, niece, or nephew, or an individual who serves in the role of one of the foregoing.

Subp. 11. **Forensic.** "Forensic" means services within the practice of professional counseling or professional clinical counseling, of which the purpose is to address questions and issues relating to parties to legal proceedings and to law and the legal system, including the courts, correctional agencies and facilities, attorneys, and administrative, judicial, and legislative agencies acting in an adjudicative capacity.

Subp. 12. **Human diversity.** "Human diversity" means individual client differences that are associated with the client's cultural group, including race, ethnicity, national origin, religious affiliation, language, age, gender, gender identity, physical and mental capabilities, sexual orientation, marital status, or socioeconomic status.

Subp. 13. **Informed consent.** "Informed consent" means an agreement between a provider and a client that authorizes the provider to engage in a professional activity affecting the client. Informed consent requires that the client be given sufficient information to decide knowingly whether to agree to the proposed professional activity, that the information be discussed in language that the client can reasonably be expected to understand, and that the consent be given without undue influence by the provider.

Subp. 14. **Licensee of the board or licensee.** "Licensee of the board" or "licensee" means a licensed professional counselor or a licensed professional clinical counselor.

Subp. 15. **Multiple relationship.** "Multiple relationship" means a relationship between a provider and a client that is both professional and one or more of the following:

A. cohabitational;

B. familial;

C. one in which there is or has been personal involvement with the client or a family member of the client that is reasonably likely to affect adversely the client's welfare or ability to benefit from services; or

D. one in which there is significant financial involvement other than legitimate payment for professional services rendered that is reasonably likely to affect adversely the client's welfare or ability to benefit from services.

Subp. 16. **Objective.** "Objective" means a manner of administering a test and recording, scoring, and interpreting responses that is independent, insofar as is possible, of the subjective judgment of the particular examiner.

Subp. 17. **Practice foundation.** "Practice foundation" means that a professional counseling or professional clinical counseling service or continuing education activity is based upon observations, methods, procedures, or theories that are generally accepted by the professional community in professional counseling.

Subp. 18. **Private information.** "Private information" means any information, including but not limited to, client records as defined in part 2150.7535, test results, or test interpretations developed during a professional relationship between a provider and a client.

Subp. 19. **Professional relationship.** "Professional relationship" means the relationship between a provider and the provider's client.

Subp. 20. **Provider.** "Provider" means a licensee or applicant.

Subp. 21. **Public statements.** "Public statements" means any statements, communications, or representations by providers to the public regarding themselves or their professional services or products. Public statements include, but are not limited to, advertising, representations in reports or letters, descriptions of credentials and qualifications, brochures and other descriptions of services, directory listings, personal resumes or curricula vitae, comments for use in the media, websites, grant and credentialing applications, or product endorsements.

Subp. 22. **Report.** "Report" means any written or oral professional communication, including a letter, regarding a client or subject that includes one or more of the following: historical data, behavioral observations, test interpretations, opinions, diagnostic or evaluative statements, or recommendations. The testimony of a provider as an expert or fact witness in a legal proceeding also constitutes a report. For purposes of these rules, letters of recommendation for academic or career purposes are not considered reports.

Subp. 23. **Research subject.** "Research subject" means an individual participating in a research study for the period of time during which the individual is providing data for the study.

Subp. 24. **Scientific foundation.** "Scientific foundation" means that a professional counseling, professional clinical counseling, or continuing education activity is based upon quantitative or qualitative research, such as but not limited to published peer-reviewed experiments or correlational, observational, or ethnographic studies, or upon research presented at professional meetings.

Subp. 25. **Significant risks and benefits.** "Significant risks and benefits" means those risks and benefits that are known or reasonably foreseeable by the provider, including the possible range and likelihood of outcomes, and that are necessary for the client to know in order to decide whether to give consent to proposed services or to reasonable alternative services.

Subp. 26. **Standardized test.** "Standardized test" means a test that is administered, recorded, and scored in a uniform and objective manner, is interpreted by means of normative data, and includes a manual or other published information that fully describes its development, rationale, validity, reliability, and normative data.

Subp. 27. **Student.** "Student" means an individual over whom the provider has evaluative academic authority, including an individual who is enrolled in a graduate program in professional counseling or professional clinical counseling at an educational institution or who is taking a professional counseling or professional clinical counseling course for credit. This does not apply to an individual who is taking a professional counseling course to receive continuing education credit from a board or who is auditing a course.

Subp. 28. **Supervised field experience.** "Supervised field experience" means an internship, practicum, or other supervised professional experience used for purposes of obtaining licensure as a professional counselor or professional clinical counselor.

Subp. 29. **Supervisee.** "Supervisee" means an individual whose supervision is required to obtain credentialing by a licensure board or to comply with a board order.

Subp. 30. **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, describing, or predicting personality, behavior, traits, cognitive functioning, aptitudes, attitudes, skills, values, interests, abilities, or other characteristics of individuals.

Subp. 31. **Unprofessional conduct.** "Unprofessional conduct" means any conduct that fails to conform to the minimum standards of acceptable and prevailing practice as described in part 2150.7600.

Subp. 32. **Variance.** "Variance" means board-authorized permission to comply with a rule in a manner other than that generally specified in the rule.

Subp. 33. **Waiver.** "Waiver" means board-authorized permission not to comply with a rule.

Subp. 34. **Written informed consent.** "Written informed consent" means a written statement signed by the individual making the statement that authorizes a provider 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. Written informed consent means informed consent that is set forth in writing and signed by the client.

Statutory Authority: *MS s 148B.52; 214.12*

History: *30 SR 345; L 2007 c 147 art 10 s 15; 47 SR 960*

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