

5300.0355 ASSESSMENTS, TESTS, REPORTS.

Subpart 1. **Basis for assessments.** When a therapist conducts assessments within the scope of the therapist's training and experience, the therapist must meet the requirements in items A to C.

A. The therapist shall base an assessment on records, information, observations, and techniques sufficient to substantiate clinical findings.

B. Except as permitted in item C, the therapist shall render opinions regarding individuals only after the therapist has conducted an examination of the individual that is adequate to support the therapist's statements or conclusions, unless an examination is not practical despite reasonable efforts.

C. The therapist may limit assessments to reviewing records or providing testing services when an individual examination is not warranted or necessary for the opinion requested.

Subp. 2. **Administration and interpretation of tests.** Therapists shall use tests as described in items A to E.

A. Standardized tests are preferred over nonstandardized tests.

B. All tests must be administered and responses must be recorded, scored, and interpreted based on practice or scientific foundations.

C. If a test is used in a nonstandard manner, the limitations of the test and the reasons for its nonstandard use must be clearly stated in the report.

D. A test's reliability, validity, and normative data must be taken into account in its selection, use, and interpretation.

E. The reliability and validity of test statements and interpretations in reports are the responsibility of the therapist, including when automated testing services are used.

Subp. 3. **Reports.** The provision of a written or oral report, including testimony of a therapist as an expert witness and letters to third parties concerning the mental, behavioral, or emotional health or state of a client, must be based on information and techniques sufficient to substantiate the therapist's findings. The therapist shall be fair and accurate and shall guard against making unsubstantiated statements or providing unsubstantiated opinions, interpretations, or recommendations in a report. The report must include:

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

B. any reservations or qualifications concerning the validity or reliability of the opinions and conclusions formulated and recommendations made, taking into account the conditions under which the procedures were carried out, including any nonstandard use

of a test, the limitations of scientific procedures and descriptions, base rate and baseline considerations, and the impossibility of absolute predictions;

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

D. a statement of the nature of and reasons for any use of a test that differs from the purposes, populations, or referral questions for which it has been designed or validated, or that is administered, recorded, scored, or interpreted in other than a standard and objective manner; and

E. a statement indicating whenever any test interpretation or report conclusion is not based on direct contact between the therapist and the client.

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

Statutory Authority: *MS s 148B.31; 214.06*

History: *41 SR 87*

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