

TMCAR 10

7-16-82

1 Board of Psychology

2

3 Adopted Rules Relating to Rules of Conduct and Licensure of
4 Psychologists

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6 Rules as Adopted

7 7 MCAR S 10.001 Licensure of psychologists; general definitions.

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9 For the purposes of 6 7 MCAR SS 10.001-10.009, the following

10 terms have the meanings given them.

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

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

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

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

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

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

G. Professional relationship. "Professional relationship"

1 means the association between a psychologist and a person or
 2 entity for whom psychological services are sought which exists
 3 when the psychologist performs for that person or entity any of
 4 the functions described in Minn. Stat. S 148.89, subd. 1.

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

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

14 J. Test. "Test" means any instrument, device, survey,
 15 questionnaire, technique, scale, inventory, or other process
 16 which is designed or constructed for the purpose of measuring,
 17 evaluating, assessing or describing personality, behavior,
 18 traits, intelligence cognitive functioning, aptitudes,
 19 attitudes, skills, values, interests, ability, or other
 20 psychological or emotional characteristics of individuals.

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

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

26 7 MCAR S 10.002 General requirements for licensure.

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

- 29 1. admission to examination; and
- 30 2. admission to licensure.

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

- 33 1. file with the board a completed notarized application
- 34 for admission to examination which includes an affirmation that
- 35 the statements made on the application are true and correct to
- 36 the best of the knowledge and belief of the applicant, and which

1 is accompanied by the current nonrefundable examination
2 application fee;

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

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

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

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

22 E. Requirements for licensure. To be eligible for licensure
23 the applicant must meet the following requirements in addition
24 to those in B.:

25 1. file with the board a notarized application for
26 licensure, which includes an affirmation that the statements
27 made in the application are true and correct to the best
28 knowledge and belief of the applicant and which is accompanied
29 by the current licensure application fee;

30 2. have completed two years of post degree employment as
31 stated in G. and 7 MCAR S 10.0004;

32 3. state at least one area of competence and have written
33 endorsements from at least two qualified persons, as stated in
34 H., for each area of competence stated;

35 4. have performed satisfactorily on both parts of the
36 examination listed in 7 MCAR S 10.005;

1 5. be of good moral character 4. provide evidence of
 2 having met the requirements of Minn. Stat. S 148.91, subd. 4,
 3 cl. (2) and of not have having engaged in conduct prohibited by
 4 7 MCAR S 10.008, by means of endorsements from at least two
 5 people with the qualifications stated in H.; and

6 6. 5. for an application for licensure as a licensed
 7 psychologist, file an agreement to collaborate signed by a
 8 licensed consulting psychologist.

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

13 G. Supervised employment. The application for licensure
 14 shall include the setting, nature and extent of the supervised
 15 employment, the time period involved, the number of hours per
 16 week engaged in professional duties, and the name and
 17 qualifications of each supervisor, and the areas of competence
 18 in which proficiency has been gained. The application may
 19 include areas of competence in which proficiency has been gained
 20 through experience, such as internships or practica, which is
 21 not counted toward the employment requirement of Minn. Stat. S
 22 148.91, subds. 4 and 5.

23 H. Requirements for endorsement. To qualify as an endorser
 24 a person listed on the application for licensure must be a
 25 licensee of the board, a person who is licensed to practice
 26 psychology by another state whose licensure standards are
 27 similar to the standards of this state, or a person whose
 28 education and experience meet the licensure standards of Minn.
 29 Stat. S 148.91 and 7 MCAR SS 10.001-10.009. An employee of an
 30 applicant may not be an endorser of that applicant. An endorser
 31 must have firsthand knowledge of the area of competency endorsed
 32 A person who has not observed the work of the applicant in the
 33 professional environment of the applicant may not be an endorser
 34 of the applicant. A current member of the board may not be an
 35 endorser.

36 An applicant who has not received sufficient endorsements

1 on a stated area of competence may submit the names of
 2 additional endorsers or an amended application with the area of
 3 competence deleted.

4 I. Adding areas of competence. At any time, a licensee may
 5 add an area of competence at any time if the added area of
 6 competence is documented as required in the application for
 7 licensure in which proficiency has been gained by submitting to
 8 the board a written statement of the area of competence which is
 9 accompanied by a notarized affirmation that the statement is
 10 true and correct to the best knowledge and belief of the
 11 licensee.

12 J. Inquiries regarding applicants. The board may make
 13 inquiries when there is a question as to whether an applicant
 14 meets the requirement of E.54.

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

21 7 MCAR S 10.003 Educational requirements for licensure.

22 A. Educational requirement for licensed consulting
 23 psychologists. The educational requirement for licensure as a
 24 licensed consulting psychologist is a doctorate obtained in an
 25 institution accredited by a regional accrediting association to
 26 grant a doctorate, offered through with a major in psychology.

27 The major must be:

- 28 1. offered through a department of psychology; or
- 29 2. an academic department or unit other than a department
 30 of psychology, with be a major such as in educational
 31 psychology, child psychology, counseling psychology, or
 32 industrial psychology.

33 B. Other doctorates accepted. The board shall accept a
 34 doctorate other than those listed in A. if:

- 35 1. the doctorate is obtained from an institution
 36 accredited by a regional accrediting association to grant the

1 deeterate; or
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2 2- 3. if the major is offered through an academic

 3 department or unit other than a department of psychology and its

 4 title is not listed in 2., the dissertation for the degree is

 5 must be psychological in topic and method according to the

 6 following criteria in a. and b., and the coursework leading to

 7 the degree must meet the criteria in c.:

8 a. The topic shall must fall within the list of

 9 psychological topics included in the table of contents of all
 10 editions of the "Annual Review of Psychology," up to and
 11 including the 1981 edition, and shall must have the potential to

 12 directly impact upon the body of knowledge in the field of
 13 psychology; and.

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

21 3- c. For a person seeking licensure on the basis of a
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 22 doctorate earned before January 1, 1984, at least half of the
 23 number of credits completed for the degree, excluding
 24 dissertation credits, must have been successfully earned in

 25 graduate courses which are predominantly psychological in
 26 content. For any other person, at least two-thirds of the
 27 number of credits completed for the degree, excluding
 28 dissertation credits, must have been successfully earned in

 29 graduate courses which are predominantly psychological in
 30 content. Credits for postdoctoral course work earned within
 31 five years after receiving the doctorate may be used in part to
 32 meet the requirements in 3 this requirement.

33 E- B. Educational requirement for licensed psychologists.
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 34 The educational requirement for licensure as a licensed
 35 psychologist is a master of arts or science degree, including a
 36 master equivalent in a doctoral program, obtained in an

1 institution accredited by a regional accrediting association to
 2 grant a doctorate or a master of arts or science degree, offered
 3 through with a major in psychology. The major must be:

- 4 1. offered through a department of psychology; or
 5 2. an academic department or unit other than a department
 6 of psychology, with be a major such as in educational
 7 psychology, child psychology, counseling psychology or
 8 industrial psychology; or

9 D. Other degrees accepted. The board shall accept a master
 10 of arts or science degree other than those listed in C. if:

11 1. the degree is obtained from an institution accredited
 12 by a regional accrediting association to grant a doctorate or a
 13 master of arts or science degree;

14 2. 3. if the major is offered through a department or
 15 unit other than a department of psychology and its title is not
 16 listed in 2., the thesis, if it is a degree requirement, is must
 17 be psychological in topic and method according to the criteria
 18 listed in B-2. A.3.a. and A.3.b.; and

19 3. at least two-thirds of the number of credits required
 20 for the degree, excluding thesis credits, must have been
 21 successfully earned in graduate courses which are predominantly
 22 psychological in content. Credits for post-master course work
 23 earned within five years after receiving the degree may be used
 24 in part to meet the requirements in 3 this requirement.

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

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

31 7 MCAR S 10.004 Professional employment.

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

- 35 1. involve the application of psychological principles in
 36 the description, prediction and modification of human behavior

1 and emotional adjustment, including but not restricted to such
2 practices as: psychological assessment, including such
3 functions as intelligence, personality, aptitude, and attitude
4 appraisal; psychological treatment of persons who have
5 adjustment problems; psychological counseling and guidance;
6 conducting behavioral research; and teaching of psychology;

7 2. be under the supervision of a licensee of the board or
8 a person whose education and experience meet the standards for
9 licensure imposed by Minn. Stat. S 148.91 and 7 MCAR SS
10 10.001-10.009 and who shall be is competent in the areas of
11 practice in which supervision is provided. The private practice
12 of psychology for a fee in this state is not allowed prior to
13 licensure and shall not be credited, except that a licensed
14 psychologist seeking licensure as a licensed consulting
15 psychologist may engage in the private practice of psychology
16 for a fee and need not require supervision unless the licensee
17 is gaining competence in an area other than those already
18 documented. The private practice of psychology in another state
19 shall be credited only if engaged in after licensure by that
20 state; and

21 3. be performed competently as judged by the supervisor.

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

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

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

34 E. Completion of degree requirements. Professional
35 experience acquired by the applicant between the time all
36 requirements for the degree were met and the time of conferral

1 of the degree may be credited toward the employment requirements
 2 for licensure if the date of completion of all degree
 3 requirements is verified directly to the board in writing by a
 4 responsible academic or administrative official.

5 F. Time requirement. To meet employment requirements, the
 6 applicant shall have completed 24 months of full-time
 7 employment, or their equivalent in part-time employment, under
 8 supervision as described in A., with regularly scheduled
 9 vacation periods and holidays considered as days worked.
 10 Full-time employment consists of at least 1800 hours during a
 11 12-month period.

12 G. Part-time employment credited. Part-time employment
 13 shall be credited by the board on a pro-rated basis, if the
 14 part-time employment consists of at least a ~~three-month,~~
 15 ~~quarter-time~~ ten hours per week for a period of 12 consecutive
 16 weeks at any particular the same agency or facility.

17 7 MCAR S 10.005 Examinations.

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

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

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

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

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

1 a written request for a waiver.

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

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

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

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

20 7 MCAR S 10.006 Licenses, license renewal.

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

24 B. Term of license. A license is valid for the period
25 beginning with the date on which the license is granted or
26 reissued after suspension and ending two years later on the last
27 day of the month in which the license is granted or reissued.
28 Thereafter the license is renewable for periods of two years,
29 ending with the last day of the month in which the license is
30 granted or reissued.

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

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

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

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

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

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

29 7 MCAR S 10.007 Collaboration.

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

34 B. Collaboration report. The nature and frequency of
35 collaborative contacts shall be mutually determined by the
36 collaborators. At the time of license renewal a licensed

1 psychologist who is or has been engaged in the private practice
 2 of psychology since licensure or previous renewal shall report
 3 on the nature and frequency of collaborative contacts during the
 4 preceding two years.

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

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

13 7 MCAR S 10.008 Rules of conduct.

14 A. Scope and purpose.

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

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

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

25 4. The rules of conduct are not all-inclusive and do not
 26 specify all grounds for disciplinary action or denial of
 27 licensure. The 1981 revision of 'The Ethical Principles of
 28 Psychologists' published by the American Psychological
 29 Association may shall be used as an aid in resolving any
 30 ambiguity which may arise in the interpretation of the rules of
 31 conduct. However, in a conflict between the rules of conduct
 32 and the ethical principles, the rules of conduct shall prevail.

33 B. Competence.

34 1. A psychologist shall limit practice to the areas of
 35 competence ~~for~~ in which proficiency has been gained through
 36 education and training or experience have been gained and which

1 have been stated in writing to the board by the psychologist and
 2 -----
 2 accepted by the board as stated in 7 MEAR S 10-002 E-3.

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

7 3. In cases in which a new service, technique, or
 8 specialty is developing and in which supervision is not
 9 available, a psychologist shall engage in ongoing consultation
 10 with other psychologists or similar professionals as skills are
 11 developed in the new area and shall seek continuing education
 12 which corresponds to the new area. A client whose treatment
 13 involves the use of a newly developing service, technique, or
 14 specialty shall be informed of its innovative nature and of
 15 known risks associated with it.

16 4. A psychologist shall recognize ~~the~~ that there are
 17 -----
 17 other professional, technical, and administrative resources
 18 -----
 18 available to the ~~client~~ clients and refer the ~~client~~ to them
 19 -----
 19 make referrals to those resources when it is in the best
 20 -----
 20 interests of the ~~client~~ clients to be provided with alternative
 21 -----
 21 or complementary services.

22 C. Protecting the privacy of clients.

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

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

36 3. In any situation in which a person requests that the

1 services of a psychologist be provided to a third are requested
 2 by one party for another party, the psychologist shall inform
 3 both the requester and the third party receiver of the services
 4 of the responsibility of the psychologist regarding the privacy
 5 of any information gained in the course of rendering the
 6 services.

7 4. At the beginning of a professional relationship, a
 8 psychologist shall inform a client who is a minor shall be
 9 informed at the beginning of the professional relationship
 10 concerning of the limitation limit the law imposes on the right
 11 of privacy of a minor with respect to communications of a minor
 12 with a psychologist.

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

22 6. A psychologist shall instruct the staff to inquire of
 23 clients and to comply with the request wishes of a client
 24 clients regarding the individual to whom and where statements
 25 for services are to be sent.

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

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

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

36 10. A psychologist may release private information upon

1 court order or to conform with state or federal law, rule or
2 regulation.

3 11. In the course of professional practice, a
4 ~~psychologist shall not violate any law, the violation of which~~
5 ~~involves the practice of psychology,~~ concerning the reporting of
6 abuse of children and vulnerable adults.

7 D. Impaired objectivity.

8 1. A psychologist ~~may~~ must not undertake or continue a
9 professional relationship with a client in which the objectivity
10 of the psychologist ~~may~~ is or would be impaired because of an
11 ~~interpersonal relationship such as due to a familial, social,~~
12 ~~emotional, economic, supervisory, or political interpersonal~~
13 ~~relationship.~~ A psychologist whose objectivity becomes impaired
14 because of the development of an a listed interpersonal
15 relationship during a professional relationship with a client
16 shall notify the client orally and in writing that the
17 psychologist shall no longer see the client professionally, ~~take~~
18 ~~steps to terminate~~ begin termination of the professional
19 relationship, and assist the client in obtaining services from
20 another professional.

21 2. A psychologist ~~may~~ must not undertake or continue a
22 professional relationship with a client in which objectivity or
23 effectiveness is or would be impaired because of a personal
24 ~~problem of the psychologist such as due to the divorce, grief~~
25 ~~reaction, severe health problem, or chemical abuse or dependency~~
26 ~~of the psychologist.~~ A psychologist whose objectivity or
27 effectiveness becomes impaired during a professional
28 relationship with a client because of such a personal problem
29 shall notify the client orally and in writing that the
30 psychologist shall no longer see the client professionally, ~~take~~
31 ~~steps to terminate~~ begin termination of the relationship, and
32 assist the client in obtaining services from another
33 professional.

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

36 E. Client welfare.

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

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

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

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

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

23 d. to report complaints to the board of psychology,
 24 717 Delaware Street, S.E., Room 343, Minneapolis, MN 55414;

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

27 f. to privacy as defined by rule and law;

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

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

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

5 5. A psychologist who becomes aware of such a divergence
6 of interests, values, attitudes or biases between a client and
7 the psychologist that sufficient to impair their professional
8 relationship may be impaired shall so inform the client and
9 shall have the right to. Either the client or the psychologist
10 may terminate the relationship.

11 6. A psychologist shall inform in writing terminate a
12 professional relationship with a client when the client is
13 not benefiting likely to benefit from continued professional
14 services, take steps to terminate the professional relationship
15 or the services are unneeded. The psychologist shall inform the
16 client orally and in writing of the termination and assist the
17 client in obtaining services from another professional.

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

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

27 9. A psychologist shall make an attempt to determine ask
28 a client whether a the client has had or continues to have a
29 professional relationship with another psychologist mental
30 health professional. If it is determined that the client had or
31 has a professional relationship with another psychologist mental
32 health professional, the psychologist shall attempt, to the
33 extent possible and consistent with the wishes and best
34 interests of the client, to coordinate psychological services
35 for that client with the other psychologist mental health
36 professional.

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

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

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

20 F. Tests.

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

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

36 3. A report of the results of a test shall include any

1 relevant reservations or qualifications regarding validity or

 2 reliability which a psychologist may have because of the testing
 3 circumstances or any deficiencies of the test norms for the
 4 individual tested, and how the psychologist has applied those
 5 reservations and qualifications to the score of the individual. ~~service~~

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

8 G. Public announcement of services.

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

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

20 H. Fees and statements.

21 1. A client has the right to ask about and be informed by
 22 a psychologist about the cost of professional services before
 23 the services are provided. A psychologist shall, when asked by a
 24 client about the cost of professional services, disclose the

 25 cost of services provided.

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

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

1 professionally responsible for ~~directing~~ the services provided
 2 by the ~~psycheologist~~.

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

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

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

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

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

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

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

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

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

4 In any board proceeding alleging a violation of this rule
5 the proof of a conviction of a crime shall constitute proof of
6 the underlying factual elements needed to constitute a violation
7 of this rule necessarily underlying that conviction.

8 7 MCAR S 10.009 Waivers and variances.

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

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

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

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

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

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

36 1. the rationale for the rule in question can be met or

1 exceeded by the specified alternative practices or measures;

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

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

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

9 E. Variance; renewal, reporting, and revocation. A variance
10 may shall be renewed upon reapplication according to the
11 -----
12 procedure described in C. if the circumstances justifying its
13 granting continue to exist. Any licensee or applicant who has
14 been granted a variance shall immediately notify the board of
15 any material change in circumstances which justify the granting
16 of the variance. A variance may shall be revoked if a material
17 -----
18 change in the circumstances which justify its granting occurs.

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

22 G. Statement of reasons. The minutes of any meeting at
23 -----
24 which a waiver or variance is granted, denied, renewed or
25 -----
26 revoked shall include the reason for the action.
27 -----

28 Repealer. Rules Psych 2, Psych 5, Psych 8, Psych 10, Psych 11,
29 Psych 12, and Psych 13 are repealed.