

1 Board of Psychology

2

3 Adopted Permanent Rules Relating to Licensing and Fees

4

5 Rules as Adopted

6 7200.0100 DEFINITIONS.

7 Subpart 1. to 3. [Unchanged.]

8 Subp. 3a. Client. "Client" means an individual or entity
9 who is the recipient of any of the psychological services
10 described in Minnesota Statutes, section 148.89, subdivision 1.

11 Subp. 4. [Unchanged.]

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

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

25 Subp. 5b. Familial. "Familial" means of, involving,
26 related to, or common to a family member as defined in subpart
27 5c.

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

32 Subp. 5d. Field of practice. "Field of practice" means a
33 broad area within the profession of psychology that is commonly
34 recognized by psychologists as requiring skills not necessarily
35 required for practice in other broad areas. Examples of field

1 of practice are clinical, counseling, educational,
2 industrial/organizational, and school psychology.

3 Subp. 6. Licensee of the board or licensee. "Licensee of
4 the board" or "licensee" means either a licensed psychologist or
5 a licensed consulting psychologist.

6 Subp. 7. [Unchanged.]

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

10 Subp. 9. [Unchanged.]

11 Subp. 10. Supervision. "Supervision" means taking full
12 professional responsibility for training, work experience, and
13 performance in the practice of psychology of a supervisee,
14 including planning for and evaluation of the work product of the
15 supervisee.

16 Subp. 11. to 13. [Unchanged.]

17 7200.0400 ADMISSION TO EXAMINATION.

18 Before July 1, 1991, an applicant who has met the
19 requirements of parts 7200.0300, 7200.1300, subparts 1 to 3,
20 7200.1500, and 7200.1600 shall be admitted to the first
21 regularly scheduled national standardized test specified in part
22 7200.3000, subpart 1, item A, occurring 40 days or more after
23 the applicant has demonstrated that the requirements have been
24 met. After June 30, 1991, an applicant who has met the
25 requirements of parts 7200.0300, 7200.1300, subparts 1, 2, and
26 4, and 7200.1410 to 7200.1600, shall be admitted to the first
27 regularly scheduled national standardized test occurring 60 days
28 or more after the applicant has demonstrated that the
29 requirements have been met.

30 7200.0500 DENIAL OF ADMISSION TO EXAMINATION.

31 An applicant who has failed to meet the education
32 requirements in parts 7200.1300 to 7200.1600 shall be denied
33 admission to the objective part of the examination and informed
34 in writing of the denial and the reasons for it. An application
35 submitted after denial is a new application which must be

1 accompanied by the current examination application fee.

2 7200.0600 REQUIREMENTS FOR LICENSURE.

3 To be eligible for licensure an applicant must:

4 A. meet the requirements in part 7200.0300;

5 B. file with the board a notarized application for
6 licensure, which includes an affirmation that the statements
7 made in the application are true and correct to the best
8 knowledge and belief of the applicant and which is accompanied
9 by the current licensure application fee;

10 C. have completed two years of post-degree supervised
11 employment as stated in parts 7200.0800 and 7200.2000 to
12 7200.2600;

13 D. provide evidence of having met the supervision
14 requirements of parts 7200.0800 and 7200.2000 to 7200.2600 by
15 means of a signed, notarized statement from the supervisor of
16 each employment that includes the time period during which the
17 applicant was supervised, the number of hours of face to face
18 supervision per week, and verification that the supervision
19 meets the requirements of parts 7200.0800 and 7200.2000 to
20 7200.2600;

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

23 F. provide evidence of having met the requirements of
24 Minnesota Statutes, section 148.91, subdivision 4, clause (2)
25 and of not having engaged in conduct prohibited by parts
26 7200.4500 to 7200.5700, by means of endorsements from at least
27 two individuals with the qualifications stated in part
28 7200.0900; and

29 G. for an application for licensure as a licensed
30 psychologist, file an agreement to collaborate signed by a
31 licensed consulting psychologist.

32 7200.0800 SUPERVISED EMPLOYMENT, AREAS OF COMPETENCE.

33 The application for licensure must include for each
34 post-degree supervised employment the setting, nature, and
35 extent, the time period involved, the number of hours per week

1 engaged in professional duties, the number of hours of face to
2 face supervision per week, the name, address, and qualifications
3 of the supervisor, and the areas of competence in which
4 proficiency has been gained. The application may include areas
5 of competence in which proficiency has been gained through
6 experience, such as internships or practica, which is not
7 counted toward the employment requirement of Minnesota Statutes,
8 section 148.91, subdivisions 4 and 5.

9 7200.0900 REQUIREMENTS FOR ENDORSEMENT.

10 For an endorsement to meet the requirements of part
11 7200.0600, item F, the endorser must be a licensee of the board,
12 an individual who is licensed to practice psychology by another
13 state whose licensure standards are similar to the standards of
14 this state, or an individual whose education and experience meet
15 the licensure standards of Minnesota Statutes, section 148.91
16 and parts 7200.0100 to 7200.6000. In addition, the endorser
17 cannot be an employee or family member of the applicant, a
18 current member of the board, or an individual who has not
19 observed the work of the applicant in the professional
20 environment of the applicant.

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

23 7200.1000 ADDING AREAS OF COMPETENCE.

24 At any time, a licensee may add an area of competence in
25 which proficiency has been gained by submitting to the board a
26 written statement of the area of competence. The statement must
27 be accompanied by a notarized affirmation that the statement is
28 true and correct to the best knowledge and belief of the
29 licensee.

30 7200.1100 INQUIRIES REGARDING APPLICANTS.

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

34 7200.1200 DENIAL OF LICENSURE.

1 An applicant who fails to meet all the requirements in
2 parts 7200.0300 and 7200.0600 shall be denied licensure and
3 informed in writing of the denial and the reason for it. An
4 application submitted following denial is a new application
5 which must be accompanied by the current licensure application
6 fee.

7 7200.1300 EDUCATIONAL REQUIREMENT FOR LICENSURE.

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

13 Subp. 2. Licensed psychologist. The educational
14 requirement for licensure as a licensed psychologist is a master
15 of arts or science degree, including a master equivalent in a
16 doctoral program, with a major in psychology obtained in an
17 institution accredited by a regional accrediting association.

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

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

31 (1) The topic must fall within the list of
32 psychological topics included in the table of contents of all
33 editions of the Annual Review of Psychology, up to and including
34 the 1988 edition, and must have the potential to directly impact
35 upon the body of knowledge in the field of psychology.

1 (2) The method shall include at least one of the
2 following: experimental manipulation of psychological
3 variables; correlational or statistical method, using data
4 collected by observations made by oneself or other persons; case
5 study; creation of theory based on analysis of data obtained by
6 oneself or other persons, including conceptual analysis;
7 introspection; or psychohistory.

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

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

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

21 B. The transcript of the applicant must indicate:

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

26 (a) scientific methods;

27 (b) theories of measurement;

28 (c) biological bases of behavior;

29 (d) cognitive-affective bases of behavior;

30 (e) social bases of behavior;

31 (f) personality theory and human

32 development; and

33 (g) professional ethics, standards of

34 conduct, and issues of professional practice.

35 (2) A minimum of six additional graduate semester
36 or eight quarter credits or their equivalent of course work

1 earned in the application of psychological principles to problem
2 identification. The course work must be in the areas of
3 assessment, evaluation, or data collection, or any combination
4 of these areas.

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

10 (4) A minimum of 2,000 hours for a doctoral
11 degree or ~~1,750~~ 600 hours for a master's degree of supervised
12 practical field or laboratory experience in psychology related
13 to the program of the applicant. The experience must meet the
14 following criteria:

15 (a) Either the academic or the on-site
16 supervisor must be a licensee of the board or an individual
17 whose education and experience meet the standards imposed by
18 Minnesota Statutes, section 148.91, and parts 7200.0100 to
19 7200.6000 and who is competent in the areas of practice in which
20 supervision is provided.

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

25 (c) The experience must include an average
26 of at least two hours a week of regularly scheduled, formal face
27 to face individual supervision. The supervisor who is a
28 licensee or licensable must provide an average of one hour a
29 week of supervision, but may delegate other training to
30 appropriate agency staff members.

31 (d) The experience must be completed within
32 24 months in not more than three settings with at least 20 hours
33 a week and no less than one-third of the total hours in each
34 setting.

35 7200.1410 CORE AREA COURSE CREDIT EQUIVALENCE.

1 In lieu of credits earned in a core area listed in part
2 7200.1300, subpart 4, item B, an applicant may offer a
3 certification to the board by the chair of the department that
4 the applicant has passed an examination in that core area
5 required for the master's degree or for admission to candidacy
6 for a doctoral degree.

7 7200.1450 POST-DEGREE PROGRAM COMPLETION.

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

15 7200.1600 DEGREES FROM FOREIGN INSTITUTIONS.

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

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

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

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

35 C. the program leading to the advanced degree must

1 have been in existence for at least ten years and must be
2 recognized by the central government of the country in which the
3 institution is located as entitling the holder of the degree to
4 practice psychology in that country; and

5 D. the major meets the requirements of part 7200.1300.

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

9 7200.1700 DEGREE MAJORS IN OTHER PROFESSIONS.

10 A degree major in any profession listed in Minnesota
11 Statutes, section 148.97, subdivision 3, is not a major in
12 psychology as defined in part 7200.1300, subparts 3, item C, and
13 4.

14 7200.1800 BURDEN OF PROOF.

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

18 7200.2000 PROFESSIONAL EMPLOYMENT REQUIREMENTS.

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

22 A. [Unchanged.]

23 B. Be under the supervision of a licensee of the
24 board or an individual whose education and experience meet the
25 standards for licensure imposed by Minnesota Statutes, section
26 148.91 and parts 7200.0100 to 7200.6000, who is competent in the
27 areas of practice in which supervision is provided, and who is
28 not an employee or a member of the family of the applicant. The
29 private practice of psychology for a fee in this state is not
30 allowed before licensure and shall not be credited, except that
31 a licensed psychologist seeking licensure as a licensed
32 consulting psychologist may engage in the private practice of
33 psychology for a fee and need not require supervision.

34 C. Include at least two hours of regularly scheduled,

1 formal face to face supervision a week for each week at work,
2 one hour of which must be with the supervisor as defined in part
3 7200.0100, subpart 10. The remaining hour may be with other
4 mental health professionals designated by the supervisor. Hours
5 spent in supervision count as hours of employment for the
6 purposes of part 7200.0600, item C.

7 D. Be performed competently as judged by the
8 supervisor.

9 7200.2600 CREDITING PART-TIME EMPLOYMENT.

10 Part-time employment shall be credited by the board on a
11 prorated basis, if the part-time employment consists of at least
12 ten hours per week for a period of 12 consecutive weeks at the
13 same agency or facility, and if the employment includes at least
14 one hour of face to face supervision a week, for employment of
15 less than 25 hours per week, all with the supervisor as defined
16 in part 7200.0100, subpart 10.

17 7200.3000 EXAMINATIONS.

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

20 A. a national standardized test in psychology;

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

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

31 Subp. 2. Announcement of examination. The date of the
32 national standardized test shall be announced by the board. The
33 announcement shall establish time, place, the amount of the
34 examination application fee, and the date by which documentation
35 for the application for admission to examination must be

1 completed to qualify for the announced test.

2 Subp. 3. Notification to admitted applicants. The board
3 shall notify in writing each applicant who has been admitted to
4 a part of the examination. The notice shall state the date,
5 time, and place where the applicant is scheduled to be
6 examined. An applicant who fails to appear at that time must
7 submit a written request for deferment within 15 days after that
8 date or forfeit the application fee.

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

12 An applicant who has performed satisfactorily on the
13 national standardized test, either in another state or for
14 another level of licensure, shall be considered as having met
15 the requirements of this rule with respect to that part of the
16 examination.

17 An applicant who has performed satisfactorily on the other
18 parts of the examination for another level of licensure shall be
19 considered as having met the requirements of this rule with
20 respect to those parts of the examination.

21 Subp. 5. [Unchanged.]

22 7200.3200 TERM OF LICENSE.

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

30 7200.3500 LATE FEES.

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

1 7200.3510 TERMINATION NOTICE.

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

12 7200.3605 TERMINATION FOR NONRENEWAL OF LICENSE.

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

23 7200.3610 RELICENSURE FOLLOWING TERMINATION.

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

1 7200.3620 PRACTICING WITHOUT A LICENSE.

2 A former licensee seeking relicensure following termination
3 as provided in part 7200.3605 who has engaged in the private
4 practice of psychology in this state since the date of
5 termination is subject to denial of licensure or disciplinary
6 action at the time the new license is granted.

7 7200.3700 VOLUNTARY TERMINATION.

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

15 7200.3900 COLLABORATION.

16 Subpart 1. Collaborator provided with summary. An
17 applicant for licensure as a licensed psychologist shall provide
18 the collaborator, whose experience must be in the applicant's
19 field of practice, with a brief summary of the training,
20 experience, and stated areas of professional competence of the
21 applicant.

22 Subp. 2. and 3. [Unchanged.]

23 Subp. 4. Consultation required. Formal collaboration is
24 required only of licensed psychologists. Consultation is
25 required of all licensees as indicated in parts 7200.4600,
26 subpart 3 and 7200.4900, subpart 9.

27 7200.4600 COMPETENCE.

28 Subpart 1. and 2. [Unchanged.]

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

33 Subp. 3. and 4. [Unchanged.]

1 7200.4700 PROTECTING THE PRIVACY OF CLIENTS.

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

7 Subp. 2. Disclosure without written consent. Private
8 information may be disclosed without the informed written
9 consent of the client when disclosure is necessary to protect
10 against a clear and substantial risk of imminent serious harm
11 being inflicted by the client on the client or another
12 individual. In such case the private information is to be
13 disclosed only to appropriate professional workers, public
14 authorities, the potential victim, or the family of the client.

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

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

25 Subp. 5. Limited access to client records. A psychologist
26 shall limit access to client records and shall inform every
27 individual associated with the agency or facility of the
28 psychologist, such as a staff member, student, volunteer, or
29 community aide, that access to client records shall be limited
30 only to the psychologist with whom the client has a professional
31 relationship, an individual associated with the agency or
32 facility whose duties require access, and an individual
33 authorized to have access by the informed written consent of the
34 client.

35 Subp. 6. to 11. [Unchanged.]

36 Subp. 12. Disciplinary cases. A psychologist must

1 disclose to the board and its agents client records that the
2 board and its agents consider to be germane to a disciplinary
3 proceeding.

4 7200.4810 IMPAIRED OBJECTIVITY, EFFECTIVENESS.

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

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

12 A. the psychologist has a dual relationship with a
13 client;

14 B. the psychologist misuses the relationship with a
15 client due to a relationship with another individual or entity;

16 C. the psychologist is biased against a client
17 because of the client being a member of a class of individuals
18 that is legally protected from discrimination;

19 D. the psychologist is dysfunctional as a result of a
20 severe physical or mental health problem, including chemical
21 abuse or dependency; or

22 E. the psychologist exploits the professional
23 relationship with a client for the psychologist's emotional,
24 financial, sexual, or personal advantage or benefit.

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

32 7200.4900 CLIENT WELFARE.

33 Subpart 1. Providing explanation of procedures. A client
34 has the right to have and a psychologist has the responsibility
35 to provide, on request, a nontechnical explanation of the nature

1 and purpose of the psychological procedures to be used and the
2 results of tests administered to the client. The psychologist
3 shall establish procedures to be followed if the explanation is
4 to be provided by another individual under the direction of the
5 psychologist.

6 Subp. 1a. Client records. A client who is the direct
7 recipient of psychological services has the right of access to
8 the records relating to psychological services maintained by the
9 psychologist on that client, as provided in Minnesota Statutes,
10 section 144.335, subdivision 2, provided the records are not
11 classified as confidential under Minnesota Statutes, section
12 13.84. A psychologist must maintain an accurate record for each
13 client. Each record must minimally contain:

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

17 B. copies of all correspondence relevant to the
18 client;

19 C. a client personal data sheet; and

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

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

25 Subp. 2. Statement of competence; clients' rights. A
26 psychologist shall display prominently on the premises of the
27 professional practice or make available as a handout the
28 statement of areas of competence submitted to the board and the
29 bill of rights of clients, including a statement that consumers
30 of psychological services offered by psychologists licensed by
31 the state of Minnesota have the right:

32 A. and B. [Unchanged.]

33 C. to obtain a copy of the rules of conduct from the
34 State Register and Public Documents Division, Department of
35 Administration, 117 University Avenue, Saint Paul, MN 55155;

36 D. and E. [Unchanged.]

1 F. to privacy as defined by rule and law;

2 G. to be free from being the object of discrimination
3 on the basis of race, religion, gender, or other unlawful
4 category while receiving psychological services;

5 H. to have access to their records as provided in
6 subpart 1a and Minnesota Statutes, section 144.335, subdivision
7 2; and

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

10 Subp. 3. to 7. [Unchanged.]

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

15 Subp. 8. **Sexual contact with a client.** A psychologist
16 shall not engage in sexual intercourse or other physical
17 intimacies with a client, nor in any verbal or physical behavior
18 which is sexually seductive or sexually demeaning to the
19 client. Physical intimacies include handling of the breasts,
20 genital areas, buttocks, or thighs of either sex by either the
21 psychologist or the client. A psychologist must not engage in
22 sexual intercourse or other physical intimacies with a former
23 client for a period of two years following the date of the last
24 professional contact with the client, whether or not the
25 psychologist has formally terminated the professional
26 relationship.

27 Subp. 9. [Unchanged.]

28 Subp. 10. **Complaints to board.** A psychologist shall file
29 a complaint with the board when the psychologist has reason to
30 believe that another psychologist is or has been engaged in
31 conduct which violates subpart 8, or part 7200.4700, subpart 11.
32 This requirement to file a complaint does not apply when the
33 belief is based on information obtained in the course of a
34 professional relationship with a client who is the other
35 psychologist. Nothing in this part relieves a psychologist from
36 the duty to file a report as required by Minnesota Statutes,

1 section 626.556 or 626.557, reporting abuse of children and
2 vulnerable adults.

3 Subp. 11. and 12. [Unchanged.]

4 7200.5000 ASSESSMENTS, TESTS, REPORTS.

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

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

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

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

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

35 A. a description of all assessments, evaluations, or

1 other procedures upon which the psychologist's conclusions are
2 based;

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

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

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

15 Subp. 4. [Unchanged.]

16 7200.5100 PUBLIC STATEMENTS.

17 Subpart 1. and 2. [Unchanged.]

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

25 7200.5200 FEES AND STATEMENTS.

26 Subpart 1. [Unchanged.]

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

34 Subp. 3. No misrepresentation. A psychologist shall not
35 directly or by implication misrepresent to the client or to a

1 third party billed for services the nature of the services, the
2 extent to which the psychologist has provided the services, or
3 the individual who is professionally responsible for the
4 services provided.

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

11 Subp. 5. [Unchanged.]

12 Subp. 6. [See Repealer.]

13 7200.5300 PRACTICING WITHOUT A LICENSE.

14 A psychologist shall not aid or abet an unlicensed
15 individual in engaging in the private practice of psychology. A
16 psychologist who supervises an individual preparing for the
17 professional practice of psychology according to Minnesota
18 Statutes, section 148.97, subdivision 3, clause (2) is not in
19 violation of this part if the individual is not engaging in the
20 private practice of psychology.

21 7200.5400 WELFARE OF STUDENTS, SUPERVISEES, AND RESEARCH
22 SUBJECTS.

23 A psychologist shall protect the welfare of psychology
24 students, supervisees, and research subjects and shall accord
25 the students, supervisees, and human research subjects the
26 client rights listed in parts 7200.4700 and 7200.4900, except
27 for parts 7200.4700, subparts 4 and 6, and 7200.4900, subparts
28 4, 6, and 9.

29 7200.5600 DECEPTION OR FRAUD.

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

32 7200.5700 UNPROFESSIONAL CONDUCT.

33 A psychologist must not engage in any unprofessional
34 conduct. Unprofessional conduct is any conduct violating parts

1 7200.4600 to 7200.5600 or violating those standards of
2 professional behavior that have become established by consensus
3 of the expert opinion of psychologists as reasonably necessary
4 for the protection of the public interest.

5 7200.6000 WAIVERS AND VARIANCES.

6 Subpart 1. **Waivers; application.** A licensee or applicant
7 for licensure may petition the board for a time-limited waiver
8 of any rule except for any part of a rule which incorporates a
9 statutory requirement. The waiver shall be granted if:

10 A. the rule in question does not address a problem of
11 significance to the public in relation to the practice or
12 application of the petitioner;

13 B. adherence to the rule would impose an undue burden
14 on the petitioner; and

15 C. the granting of a waiver will not adversely affect
16 the public welfare.

17 Subp. 2. **Waivers; renewal, reporting, and revocation.** A
18 waiver shall be renewed upon reapplication according to the
19 procedure described in subpart 1 if the circumstances justifying
20 its granting continue to exist. Any petitioner who is granted a
21 waiver shall immediately notify the board in writing of any
22 material change in the circumstances which justify its
23 granting. A waiver shall be revoked if a material change in the
24 circumstances which justify its granting occurs.

25 Subp. 3. **Variations; application.** A licensee or applicant
26 may petition the board for a time-limited variance from any rule
27 except for any part of a rule which incorporates a statutory
28 requirement. A variance shall be granted if the petitioner
29 specifies alternative practices or measures equivalent to or
30 superior to those prescribed in the rule in question and
31 provides evidence that:

32 A. the rationale for the rule in question can be met
33 or exceeded by the specified alternative practices or measures;

34 B. adherence to the rule would impose an undue burden
35 on the petitioner; and

1 C. the granting of the variance will not adversely
2 affect the public welfare.

3 Subp. 4. **Variances; compliance.** Any petitioner who is
4 granted a variance shall comply with the alternative practices
5 or measures specified in the application for the variance.

6 Subp. 5. **Variance; renewal, reporting, and revocation.** A
7 variance shall be renewed upon reapplication according to the
8 procedure described in subpart 3 if the circumstances justifying
9 its granting continue to exist. Any petitioner who has been
10 granted a variance shall immediately notify the board of any
11 material change in circumstances which justify the granting of
12 the variance. A variance shall be revoked if a material change
13 in the circumstances which justify its granting occurs.

14 Subp. 6. **Burden of proof.** The burden of proof is upon the
15 petitioner to demonstrate to the board that the requirements in
16 subparts 1 and 3 have been met.

17 Subp. 7. **Statement of reasons.** The minutes of any meeting
18 at which a waiver or variance is granted, denied, renewed, or
19 revoked shall include the reason for the action.

20

21 REPEALER. Minnesota Rules, parts 7200.1400; 7200.3600;
22 7200.3800; 7200.4800; and 7200.5200, subpart 6, are repealed.