

1 Board of Unlicensed Mental Health Service Providers

2

3 Adopted Permanent Amendments to Emergency Rules Relating to

4 Unlicensed Mental Health Service Providers

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6 Rules as Adopted

7 9000.0050 [Emergency] PURPOSE.

8 Parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200
9 establish filing procedures for unlicensed mental health service
10 providers. The purpose of the filing procedures is to establish
11 a central registry of persons who provide or purport to provide
12 mental health services.

13 9000.0100 [Emergency] DEFINITIONS.

14 Subpart 1. Scope. For purposes of parts 9000.0100 to
15 9000.0190 [Emergency], and 9000.0200 the following terms have
16 the meanings given them.

17 Subp. 2. to 7. [Unchanged.]

18 9000.0110 [Emergency] REQUIREMENT TO FILE.

19 Subpart 1. and 2. [Unchanged.]

20 Subp. 3. Requirement to file within 120 days. A provider
21 who is providing mental health services on the effective date of
22 parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200 must
23 apply to file with the board within 120 days after the effective
24 date of parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200.

25 A provider who wishes to provide mental health services
26 after the effective date of parts 9000.0100 to 9000.0190
27 [Emergency] and 9000.0200 must apply to the board and receive
28 acknowledgment of the filing as provided in part 9000.0130
29 [Emergency] before providing services.

30 Subp. 4. Late fees. A provider who is providing mental
31 health services when parts 9000.0110 to 9000.0190 [Emergency]
32 and 9000.0200 become effective, and who fails to file within the
33 120-day limit in subpart 3, must pay the late filing fee and the
34 regular filing fee specified in part 9000.0200.

1 9000.0120 [Emergency] PROCEDURE FOR FILING.

2 Subpart 1. Application. The application for filing must:

3 A. be made to the board on the forms provided by the
4 board;

5 B. include an affirmation from the applicant that the
6 statements are true and correct to the best of the applicant's
7 knowledge and belief;

8 C. be accompanied by a nonrefundable application fee
9 specified in part 9000.0200;

10 D. be accompanied by a written authorization for the
11 board to make inquiries to the appropriate regulatory agency in
12 any other state where the applicant has provided mental health
13 service, about the applicant's malpractice history, if any;

14 E. be accompanied by a written authorization for the
15 board to inquire about the malpractice history of the applicant
16 at the National Clearing House for Licensure, Enforcement, and
17 Regulation; and

18 F. be completed in sufficient detail for the board to
19 determine if the applicant meets the requirements for filing.

20 The board may ask the applicant to provide additional
21 information necessary to clarify incomplete or ambiguous
22 information submitted in the application.

23 Subp. 2. [Unchanged.]

24 9000.0130 [Emergency] ACKNOWLEDGMENT OF FILING.

25 When an applicant has satisfied the requirements of filing,
26 the board will issue a written "Acknowledgment of Filing" to the
27 applicant. The "Acknowledgment of Filing" is a written
28 statement that the applicant has met the requirements for filing
29 under parts 9000.0100 to 9000.0190 [Emergency] and 9000.0200.
30 This acknowledgment is personal and is not transferable to
31 another person. It may not be displayed or published in any way.

32 9000.0140 [Emergency] DENIAL OF FILING.

33 Subpart 1. Grounds for denial. An application for filing
34 may be denied by the board if:

1 A. to D. [Unchanged.]

2 E. the applicant fails to authorize the board, as
3 required in part 9000.0120 [Emergency], subpart 1, item D, to
4 obtain information from the appropriate regulatory agency in any
5 other state or foreign government where the individual has
6 provided mental health services; or

7 F. [Unchanged.]

8 Subp. 2. [Unchanged.]

9 Subp. 3. **Notice of denial.** The board must notify an
10 applicant, in writing, of a denial of an application for filing
11 and the reasons for the denial. If the board denies an
12 application for filing for reasons described in subpart 2, the
13 board's notice must meet the requirements of Minnesota Statutes,
14 section 364.05. An application submitted after a denial is a
15 new application and must be accompanied by a new filing fee.

16 9000.0160 [Emergency] RENEWAL OF FILING.

17 Subpart 1. **Renewal notice.** At least 31 days before the
18 date the filing ends, according to part 9000.0150 [Emergency],
19 the board shall send a renewal notice to the last known address
20 of the provider. The notice must inform the provider of the
21 requirement to renew the provider's filing and pay the current
22 renewal fee by the deadline determined in subpart 2. If the
23 provider does not receive the notice, the provider is still
24 obligated to complete a renewal application and pay the renewal
25 fee specified in part 9000.0200 within the deadline in subpart
26 2. The renewal application must be made on the forms provided
27 by the board.

28 Subp. 2. **Renewal deadline.** The provider must submit to
29 the board the renewal application and the annual renewal fee
30 required in part 9000.0200. The renewal application must be
31 submitted or postmarked on or before the date the filing ends
32 according to part 9000.0150 [Emergency]. The renewal
33 application must include an affirmation by the provider that the
34 statements on the form are true and correct to the best
35 knowledge and belief of the provider.

1 Subp. 3. **Late fees.** A provider seeking renewal must pay
2 the renewal fee and the late fee if the application for renewal
3 is submitted or postmarked after the time period specified in
4 subpart 2.

5 The late fee must accompany applications of practicing
6 mental health service providers not made within 90 days of the
7 effective date of this part.

8 Subp. 4. **Expiration of filing.** A filing expires if it is
9 not renewed with the board within the deadline specified in
10 subpart 2. A filing may be reissued following expiration only
11 if the provider submits a new application and pays the regular
12 and the late filing fees required in part 9000.0200.

13 9000.0190 [Emergency] VARIANCES.

14 Subpart 1. **Grounds for variance; variance application.** A
15 filer or applicant may petition the board for a time limited
16 variance from provisions in parts 9000.0100 to 9000.0190
17 [Emergency] and 9000.0200, except for a provision that
18 incorporates a statutory requirement. The petition must be in
19 writing. The board shall grant a variance if the filer or
20 applicant specifies alternative practices or measures equivalent
21 to or superior to those in the rule in question and provides
22 evidence that:

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

25 B. adherence to the rule would impose an undue burden
26 on the filer or applicant; and

27 C. the granting of the variance will not adversely
28 affect the public welfare.

29 Subp. 2. to 6. [Unchanged.]

30 9000.0200 FEES.

31 Fees for filing as a mental health provider are as follows:

32 A. the fee for an application is \$50;

33 B. the fee for renewal of filing is \$50; and

34 C. the fee for late filing is \$25.

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04/24/89

[REVISOR] KMT/MM AR1469

1 REPEALER. The permanent amendments to emergency rules
2 contained in these rules are repealed on the date the emergency
3 rules they amend are no longer in effect.