

CHAPTER 148

PUBLIC HEALTH OCCUPATIONS, LICENSING

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148.235 PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.

[For text of subs 1 to 3, see M.S.1996]

Subd. 4. **Clinical nurse specialists in psychiatric and mental health nursing.** A registered nurse who (1) has a masters degree, (2) is certified through a national professional nursing organization which certifies clinical specialists in psychiatric and mental health nursing and is included in the list of professional nursing organizations adopted by the board under section 62A.15, subdivision 3a, (3) has successfully completed no less than 30 hours of formal study in the prescribing of psychotropic medications and medications to treat their side effects which included instruction in health assessment, psychotropic classifications, psychopharmacology, indications, dosages, contraindications, side effects, and evidence of application, and (4) has a written agreement with a psychiatrist based on standards established by the Minnesota Nurses Association and the Minnesota Psychiatric Association that specifies and defines the delegated responsibilities related to the prescription of drugs in relationship to the diagnosis, may prescribe and administer drugs used to treat psychiatric and behavioral disorders and the side effects of those drugs within the scope of the written agreement and within practice as a clinical specialist in psychiatric and mental health nursing. The written agreement required under this subdivision shall be based on standards established by the Minnesota Nurses Association and the Minnesota Psychiatric Association as of January 1, 1996, unless both associations agree to revisions. The written agreement shall be maintained at the certified clinical nurse specialist's place of employment and does not need to be filed with the board of nursing.

Nothing in this subdivision removes or limits the legal professional liability of the treating psychiatrist, clinical nurse specialist, mental health clinic or hospital for the prescription and administration of drugs by a clinical specialist in accordance with this subdivision.

[For text of subs 5 and 6, see M.S.1996]

History: 1997 c 7 art 1 s 77

148.578 [Repealed, 1997 c 7 art 2 s 67]

148.622 BOARD OF DIETETICS AND NUTRITION PRACTICE.

[For text of subs 1 and 2, see M.S.1996]

Subd. 3. **Membership terms; officers; quorum; expenses.** (a) Members must be appointed for staggered terms of four years, with terms beginning August 1 of each year. The terms of the initial board members must be determined by lot as follows: one member must be appointed for a term that expires August 1, 2000; two members must be appointed for terms that expire August 1, 1998; two members must be appointed for terms that expire August 1, 1997; and two members must be appointed for terms that expire August 1, 1995. Members of the board serve until the expiration of the term to which they have been appointed or until their successors have qualified. A person may not be appointed to serve more than two consecutive terms.

(b) The board shall organize annually and select a chair and vice-chair.

(c) Four members of the board, including two professional members and two public members, constitute a quorum to do business.

(d) The board shall hold at least two regular meetings each year. Additional meetings may be held at the call of the chair or at the written request of any three members of the board. At least 14 days' written advance notice of the board meeting is required.

(e) Board members receive compensation for their services in accordance with section 15.0575.

History: 1997 c 192 s 26

148.907 LICENSED PSYCHOLOGIST.

[For text of subd 1, see M.S.1996]

Subd. 2. Requirements for licensure as a licensed psychologist. To become licensed by the board as a licensed psychologist, an applicant shall comply with the following requirements:

- (1) pass an examination in psychology;
- (2) pass a professional responsibility examination on the practice of psychology;
- (3) pass any other examinations as required by board rules;
- (4) pay nonrefundable fees to the board for applications, processing, testing, renewals, and materials;
- (5) have attained the age of majority, be of good moral character, and have no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction;
- (6) have earned a doctoral degree with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule; and
- (7) have completed at least one full year or the equivalent in part time of postdoctoral supervised psychological employment.

Subd. 3. Master's level licensure as a licensed psychologist after August 1, 1991. (a) A person licensed in this state as a licensed consulting psychologist or a licensed psychologist before August 1, 1991, qualifies for licensure as a licensed psychologist, as described in subdivision 2, at the time of license renewal.

(b) Providing all other licensure requirements have been satisfactorily met, the board shall grant licensure as a licensed psychologist to a person who:

- (1) before November 1, 1991, entered a graduate program at a regionally accredited educational institution granting a master's or doctoral degree with a major in psychology which meets the standards the board has established by rule;
- (2) before December 31, 1997, earned a master's degree or a master's equivalent in a doctoral program at a regionally accredited educational institution and complied with requirements of subdivision 2, clauses (1) to (5), except that the nonrefundable fees for licensure are payable at the time an application for licensure is submitted; and
- (3) before December 31, 1998, completed at least one full year or the equivalent in part time of post-master's supervised psychological employment.

(c) Notwithstanding paragraph (b), the board shall not grant licensure as a licensed psychologist under this subdivision unless the applicant demonstrates that the applicant was a resident of Minnesota on October 31, 1992, and meets all the requirements for licensure under this subdivision.

Subd. 4. Converting from master's to doctoral level licensure. To convert from licensure as a licensed psychologist at the master's or master's equivalent level to licensure at the doctoral level, a licensed psychologist shall have:

- (1) completed an application provided by the board;
- (2) had an official transcript documenting the conferral of the doctoral degree sent directly from the educational institution to the board;
- (3) paid a nonrefundable fee;
- (4) successfully completed one full year or the equivalent in part time of supervised psychological employment, which shall not include a predoctoral internship, after earning a master's degree or a master's equivalent in a doctoral program;

(5) successfully completed a predoctoral internship meeting the standards the board has established by rule; and

(6) earned a doctoral degree with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule.

History: 1997 c 102 s 1-3; 1997 c 134 s 1,2

148.908 LICENSED PSYCHOLOGICAL PRACTITIONER.

[For text of subd 1, see M.S.1996]

Subd. 2. Requirements for licensure as a licensed psychological practitioner. To become licensed by the board as a licensed psychological practitioner, an applicant shall comply with the following requirements:

(1) pass an examination in psychology;

(2) pass a professional responsibility examination on the practice of psychology;

(3) pass any other examinations as required by board rules;

(4) pay nonrefundable fees to the board for applications, processing, testing, renewals, and materials;

(5) have attained the age of majority, be of good moral character, and have no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction; and

(6) have earned a doctoral or master's degree or the equivalent of a master's degree in a doctoral program with a major in psychology from a regionally accredited educational institution meeting the standards the board has established by rule.

History: 1997 c 134 s 3

148.909 LICENSURE FOR VOLUNTEER PRACTICE.

The board, at its discretion, may grant licensure for volunteer practice to an applicant who:

(1) is a former licensee who is completely retired from the practice of psychology;

(2) has no unresolved disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction; and

(3) has held a license, certificate, or registration to practice psychology in any jurisdiction for at least 15 years.

History: 1997 c 102 s 4

148.925 SUPERVISION.

[For text of subds 1 to 6, see M.S.1996]

Subd. 7. Variance from supervision requirements. (a) An applicant for licensure as a licensed psychologist who entered supervised employment before August 1, 1991, may request a variance from the board from the supervision requirements in this section in order to continue supervision under the board rules in effect before August 1, 1991.

(b) The board shall grant a variance from the supervision requirements of subdivision 4 to a licensed psychological practitioner who presents evidence of:

(1) completion of two full years or the equivalent of supervised post-master's degree employment, meeting the requirements of subdivision 5 as it relates to preparation for licensure as a licensed psychologist;

(2) endorsement for specific areas of competency by the licensed psychologist who provided the two years of supervision;

(3) employment by a hospital or by a community mental health center or nonprofit mental health clinic or social service agency providing services as a part of the mental health service plan required by the Comprehensive Mental Health Act;

(4) the employer's acceptance of clinical responsibility for the care provided by the licensed psychological practitioner; and

(5) a plan which is satisfactory to the board for supervising the work of the licensed psychological practitioner.

(c) After December 31, 1993, the variance allowed under this section must be deemed to have been granted to an individual who previously received a variance under paragraph (b) and is seeking a new variance because of a change of employment to a different employer or employment setting. The deemed variance continues until the board either grants or denies the variance. An individual who has been denied a variance under this section is entitled to appeal the decision using a contested case hearing. The individual must request a hearing within 30 days after service by regular mail that the request for a variance has been denied. A deemed variance under this paragraph continues until the contested case proceeding has been resolved.

History: 1997 c 134 s 4

148.96 PRESENTATION TO PUBLIC.

Subdivision 1. Requirements for professional identification. All licensees, when representing themselves in activities relating to the practice of psychology, including in written materials or advertising, shall identify the academic degree upon which their licensure is based, as well as their level of licensure. Individuals licensed on the basis of the equivalent of a master's degree in a doctoral program shall similarly use the designation "M. Eq." to identify the educational status on which their licensure is based, as well as their level of licensure.

[For text of subd 2, see M.S.1996]

Subd. 3. Requirements for representations to the public. (a) Unless licensed under sections 148.88 to 148.98, except as provided in paragraphs (b) through (e), persons shall not represent themselves or permit themselves to be represented to the public by:

(1) using any title or description of services incorporating the words "psychology," "psychological," "psychological practitioner," or "psychologist"; or

(2) representing that the person has expert qualifications in an area of psychology.

(b) Psychologically trained individuals who are employed by an educational institution recognized by a regional accrediting organization, by a federal, state, county, or local government institution, agencies, or research facilities, may represent themselves by the title designated by that organization.

(c) A psychologically trained individual from an institution described in paragraph (b) may offer lecture services and is exempt from the provisions of this section.

(d) A person who is preparing for the practice of psychology under supervision in accordance with board statutes and rules may be designated as a "psychological intern," "psychological trainee," or by other terms clearly describing the person's training status.

(e) Former licensees who are completely retired from the practice of psychology may represent themselves using the descriptions in paragraph (a), clauses (1) and (2), but shall not represent themselves or allow themselves to be represented as current licensees of the board.

(f) Nothing in this section shall be construed to prohibit the practice of school psychology by a person licensed in accordance with chapter 125.

[For text of subs 4 and 5, see M.S.1996]

History: 1997 c 102 s 5,6