

## CHAPTER 255—S.F.No. 300

*An act relating to health; clarifying requirements for licensing psychologists and psychological practitioners; describing duties of the board of psychology; establishing requirements for the independent practice of psychology; amending Minnesota Statutes 1990, sections 62A.152, subdivisions 2 and 3; 148.88; 148.89; 148.90; 148.91; 148.93; 148.95; 148.96; 148.97, subdivision 1; 148.98; and 253B.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1990, sections 148.92; and 148.97, subdivision 4.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 62A.152, subdivision 2, is amended to read:

Subd. 2. **MINIMUM BENEFITS.** (a) All group policies and all group subscriber contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage on the same basis as coverage for other benefits for at least 80 percent of the cost of the usual and customary charges of the first ten hours of treatment incurred over a 12-month benefit period, for mental or nervous disorder consultation, diagnosis and treatment services delivered while the insured person is not a bed patient in a hospital, and at least 75 percent of the cost of the usual and customary charges for any additional hours of treatment during the same 12-month benefit period for serious or persistent mental or nervous disorders, if the services are furnished by (1) a licensed or accredited hospital, (2) a community mental health center or mental health clinic approved or licensed by the commissioner of human services or other authorized state agency, (3) a ~~licensed psychologist~~ psychological practitioner licensed under the provisions of sections 148.88 to 148.98, (4) a licensed ~~consulting~~ psychologist licensed under the provisions of sections 148.88 to 148.98, or (5) a psychiatrist licensed under chapter 147. Prior authorization from an accident and health insurance company, or a nonprofit health service corporation, shall be required for an extension of coverage beyond ten hours of treatment. This prior authorization must be based upon the severity of the disorder, the patient's risk of deterioration without ongoing treatment and maintenance, degree of functional impairment, and a concise treatment plan. Authorization for extended treatment may be limited to a maximum of 30 visit hours during any 12-month benefit period.

(b) For purposes of this section, covered treatment for a minor includes treatment for the family if family therapy is recommended by a provider listed in paragraph (a). For purposes of determining benefits under this section, "hours of treatment" means treatment rendered on an individual or single-family basis. If treatment is rendered on a group basis, the hours of covered group treatment must be provided at a ratio of no less than two group treatment sessions to one individual treatment hour.

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Sec. 2. Minnesota Statutes 1990, section 62A.152, subdivision 3, is amended to read:

Subd. 3. **PROVIDER DISCRIMINATION PROHIBITED.** All group policies and group subscriber contracts that provide benefits for mental or nervous disorder treatments in a hospital must provide direct reimbursement for those services if performed by a ~~licensed psychologist~~ psychological practitioner or a licensed ~~consulting~~ psychologist to the extent that the services and treatment are within the scope of ~~licensed psychologist~~ psychological practitioner or licensed ~~consulting~~ psychologist licensure. ~~The order of the physician requesting the services of the licensed psychologist or licensed consulting psychologist may be required to be submitted with the claim for payment.~~

This subdivision is intended to provide payment of benefits for mental or nervous disorder treatments performed by a ~~licensed psychologist~~ psychological practitioner or a licensed ~~consulting~~ psychologist in a hospital and is not intended to change or add benefits for those services provided in policies or contracts to which this subdivision applies.

Sec. 3. Minnesota Statutes 1990, section 148.88, is amended to read:

#### 148.88 CITATION.

Sections 148.88 to 148.98 ~~may~~ shall be cited as the Minnesota licensing law for psychologists.

#### Sec. 4. [148.881] DECLARATION OF POLICY.

The practice of psychology in Minnesota affects the public health, safety, and welfare. The regulations in sections 148.88 to 148.98 protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

Sec. 5. Minnesota Statutes 1990, section 148.89, is amended to read:

#### 148.89 DEFINITIONS.

Subdivision 1. **APPLICABILITY.** For the ~~purpose~~ purposes of Laws 1973, chapter 685 sections 148.88 to 148.98, the term "private practice of psychology" means the application for a fee, monetary or otherwise, to the public of psychological principles in the description, prediction and modification of human behavior and emotional adjustment, including but not restricted to such practices as:

- (1) Psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal;
- (2) Psychological treatment of persons who have adjustment problems;
- (3) Psychological counseling and guidance;

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(4) Conducting behavioral research; and

(5) Teaching of psychology following terms have the meanings given them.

Subd. 2. **BOARD OF PSYCHOLOGY OR BOARD.** For the purpose of Laws 1973, chapter 685 the term "collaboration" means consultation between a licensed psychologist and a licensed consultant psychologist on at least an annual basis but shall not necessarily require consultation on each case referred to a licensed psychologist. "Board of psychology" or "board" means the board established under section 148.90.

Subd. 3. **INDEPENDENT PRACTICE.** "Independent practice" means the practice of psychology without supervision.

Subd. 4. **LICENSEE.** "Licensee" means a person who is licensed by the board as a licensed psychologist or as a psychological practitioner.

Subd. 5. **PRACTICE OF PSYCHOLOGY.** "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, to prevent or eliminate symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work and life adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

(1) psychological research, psychological testing, and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(2) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and diagnosis and treatment of: (i) mental and emotional disorder or disability; (ii) alcoholism and substance abuse; (iii) disorders of habit or conduct; and (iv) the psychological aspects of physical illness, accident, injury, or disability; and

(3) psychoeducational evaluation, therapy, remediation, and consultation. Recipients of psychological services include individuals, families, groups, organizations, and the public.

Subd. 6. **PSYCHOLOGIST.** "Psychologist" means a person who represents himself or herself to be a psychologist by: (1) using any title or description of services incorporating the words "psychology," "psychological," or "psychologist"; and (2) representing that the person has expert qualification in any area of psychology.

Subd. 7. **SUPERVISED PSYCHOLOGICAL EMPLOYMENT.** "Supervised psychological employment" means paid or volunteer work experience and postdegree training of a person seeking to be licensed as a licensed psychologist that involves the direct professional oversight of a licensed psychologist and satisfies the supervision requirements in section 11.

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Subd. 8. SUPERVISION. "Supervision" means:

(1) face-to-face documented consultation between a supervising licensed psychologist and a psychological practitioner under the conditions specified in section 11; or

(2) documented consultation between an applicant for licensure as a licensed psychologist and either a supervising licensed psychologist or a person designated by the supervising licensed psychologist, under the conditions specified in section 11.

Sec. 6. Minnesota Statutes 1990, section 148.90, is amended to read:

**148.90 BOARD OF PSYCHOLOGY.**

Subdivision 1. **BOARD OF PSYCHOLOGY.** (a) The board of psychology is hereby created with the powers and duties as hereinafter prescribed described in this section. The board shall consist of has 11 members. In its initial composition, membership shall who consist of (1) three psychologists whose qualifications shall be not less than those specified in section 148.91, subdivision 4; (2) two psychologists whose qualifications shall be those specified in section 148.91, subdivision 5; (3) two doctoral level psychologists, not necessarily licensed under Laws 1973, chapter 685, whose specialties broadly represent the fields of interest in psychology; and (4) four public members. After the initial appointments, members specified in clause (1) shall be licensed consulting psychologists and members specified in clause (2) shall be licensed psychologists.;

(1) three persons licensed as licensed psychologists who have a doctoral degree in psychology;

(2) two persons licensed as licensed psychologists who have a master's degree in psychology;

(3) two psychologists, not necessarily licensed, one with a doctoral degree in psychology who represents a doctoral training program in psychology, and one who represents a master's degree training program in psychology;

(4) one person licensed or qualified to be licensed as a psychological practitioner; and

(5) three public members.

(b) After the date on which fewer than 30 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section 148.921, subdivision 2, the first vacancy filled under paragraph (a), clause (2), must be filled by a person licensed or qualified to be licensed as a psychological practitioner. From this date on, this position when vacant must be filled by a person licensed or qualified to be licensed as a psychological practitioner.

(c) After the date on which fewer than 15 percent of the persons licensed by

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the board as licensed psychologists qualify for licensure under section 148.921, subdivision 2, the first vacancy under paragraph (a), clause (2), for a person licensed as a licensed psychologist with a master's degree in psychology must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology. From this date on, this position when vacant must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology.

(d) Following the filling of the first vacancy under paragraph (c), no further appointments shall be made pursuant to paragraph (a), clause (2).

Subd. 2. **MEMBERS.** (a) The members of the board shall:

(1) be appointed by the governor;

(2) be residents of the state;

(3) serve for not more than two consecutive terms;

(4) designate the officers of the board; and pursuant to chapter 14, prescribe rules as may be necessary to enable it to carry into effect the provisions of Laws 1973, chapter 685; and

(5) administer oaths pertaining to the business of the board.

~~Public members of the board shall broadly represent the public interest and shall not: (a) be members of health professions licensed by the state of Minnesota; (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota; or (c) be persons who are or were before their retirement persons who were engaged on a full or part-time basis in the practice of psychology. (b) A public member of the board shall broadly represent the public interest and shall not:~~

(1) be a psychologist or engage in the practice of psychology before retirement;

(2) be an applicant or former applicant for licensure;

(3) be a member of another health profession;

(4) be a member of a household that includes a psychologist; or

(5) have conflicts of interest or the appearance of conflicts with duties as a board member.

Subd. 3. **TERMS; COMPENSATION; REMOVAL OF MEMBERS.** Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in ~~sections 214.07 to 214.09~~ chapter 214. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other ~~provisions~~ activities relating to board

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operations shall be as ~~provided in~~ conducted according to chapter 214 and ~~Laws 1976; chapter 222, sections 2 to 7.~~

Sec. 7. [148.905] DUTIES OF THE BOARD.

Subdivision 1. GENERAL. The board shall:

(1) adopt and enforce rules for licensing psychologists and for regulating their professional conduct. The rules must include, but are not limited to, standards for training, supervision, the practice of psychology, and any other areas covered by sections 148.88 to 148.98;

(2) adopt rules that provide for examinations and establish a code of professional ethics and requirements for continuing education;

(3) hold examinations at least once a year to assess applicants' knowledge and skills. The examinations may be written or oral or both, and may be administered by the board or by institutions or individuals designated by the board;

(4) issue licenses to individuals qualified under section 148.91, according to the procedures for licensing in Minnesota Rules;

(5) issue copies of the rules for licensing to all applicants;

(6) establish and maintain annually a register of current licenses;

(7) establish reasonable fees for the issuance and renewal of licenses and other services by the board. Fees must be set to defray the cost of administering the provisions of sections 148.88 to 148.98 including applications, examinations, enforcement, and the cost of maintaining the operations of the board;

(8) educate the public about the requirements for licensing of psychologists and about the code of professional ethics, to allow consumers to file complaints against licensees who may have violated licensing requirements or professional ethics;

(9) establish or approve programs that qualify for professional psychology continuing educational credit. The board may hire consultants, agencies, or professional psychological associations to establish and approve continuing education courses; and

(10) establish and implement, by January 1, 1992, a process for certifying psychologists' competencies in specialty areas, including but not limited to the area of supervision. The process shall include steps to verify that a psychologist has had adequate education and experience in a specialty area to be considered competent to practice in that area. Recertification of competencies declared prior to the effective date of this act shall not be required.

Subd. 2. ADDITIONAL POWERS. The board may adopt rules necessary to define standards or to carry out the provisions of sections 148.88 to 148.98. Rules shall be adopted according to chapter 14.

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Sec. 8. Minnesota Statutes 1990, section 148.91, is amended to read:

**148.91 REQUIREMENTS OF LICENSES.**

Subdivision 1. **LEVELS OF PRACTICE.** The board may grant licenses for ~~two~~ levels of psychological practice: ~~The persons so licensed are to be known and are hereafter referred to as (a) (1) licensed consulting psychologist and (b) licensed psychologist; or if both levels are referred to, as licensee (2) psychological practitioner.~~

Subd. 2. **TESTING REQUIRED.** Before granting ~~any such~~ a license, the board shall require ~~every an~~ applicant ~~therefor~~ to pass ~~a skills assessment and an examination in psychology. This examination~~ A different skills assessment and examination may be required of applicants for each of the levels of practice enumerated in subdivision 1. ~~The examinations shall be given at least once each a year, at such a time and place and under such supervision as the board pre-~~scribes may prescribe.

Subd. 3. **FEE; TERM OF LICENSE.** ~~Each~~ An applicant shall pay a nonrefundable application fee set by the board. The licenses granted ~~hereunder by the board~~ shall be ~~valid~~ for a period as ~~set by the board of three years and shall be renewed on a three-year basis.~~ The fee for a license and for renewal shall be set by the board.

Subd. 4. **AGE AND ETHICAL REQUIREMENTS.** To become a licensed consulting psychologist ~~a person must fulfill and comply with the requirements of subdivision 2 and satisfy the board that the person:~~

(1) ~~Has, an applicant must have~~ attained the age of majority;

(2) ~~Is be~~ of good moral character, ~~and is not found to be engaging have engaged~~ in unethical practices as defined ~~within in~~ the code of ethics ~~adopted pursuant to section 148.98;~~

(3) ~~Has received a doctorate degree with a major in psychology; which may include educational and child psychology; from an educational institution meeting standards which may be prescribed by rule of the board; and~~

(4) ~~Has had at least two full years or their equivalent of post doctoral employment as a psychologist the board adopts.~~

Subd. 5. **EDUCATIONAL REQUIREMENTS FOR LICENSED CONSULTING PSYCHOLOGIST.** To become a licensed psychologist, a person ~~must comply with the requirements of subdivisions 2 to 4 and must have:~~

(1) ~~received a doctorate or master's degree or has received the equivalent of a master's degree in a doctoral program with a major in psychology; which may include educational and child psychology; from an educational institution meeting the standards which may be prescribed by rule of the board has established by rule; and~~

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(2) completed at least two full years of experience or its their equivalent of employment as a psychologist after receiving the training upon which application for this license is made;

(3) Otherwise fulfilled and complied with subdivision 2 and subdivision 4, clauses (1) and (2) postdoctoral supervised psychological employment.

Subd. 6. EDUCATIONAL REQUIREMENTS FOR PSYCHOLOGICAL PRACTITIONER. To become licensed as a psychological practitioner, a person must comply with the provisions of subdivisions 2 to 4 and must have received a doctorate or master's degree or the equivalent of a master's degree in a doctoral program with a major in psychology from an educational institution meeting the standards the board has established by rule.

#### Sec. 9. [148.911] CONTINUING EDUCATION.

When the licensee renews the license, the licensee must provide the board with satisfactory evidence that the licensee has completed continuing education requirements established by the board. Continuing education programs must be approved under section 148.905, subdivision 1, clause (9). The board shall establish by rule the number of continuing education training hours required each year and may specify subject or skills areas that the licensee must address. In specifying subject or skills areas, the board shall consider the need for continuing education requirements in the areas of ethics, forensic practice, and supervision.

#### Sec. 10. [148.921] WAIVERS.

Subdivision 1. PERSONS PREVIOUSLY LICENSED. A person licensed in this state as a licensed consulting psychologist or a licensed psychologist on the effective date of this act qualifies for licensure as a licensed psychologist, as defined in section 148.91, at the time of license renewal.

Subd. 2. PERSONS PREVIOUSLY QUALIFIED. The board shall grant a license for a licensed psychologist without further examination to a person who:

(1) before November 1, 1991, entered a program granting a master's degree with a major in psychology at an educational institution meeting the standards the board has established by rule;

(2) before November 1, 1992, filed with the board a written declaration of intent to seek licensure under this subdivision;

(3) complied with all requirements of section 8, subdivisions 2 to 4, before December 31, 1997; and

(4) completed at least two full years or their equivalent of post-master's supervised psychological employment before December 31, 1998.

Subd. 3. RECIPROCITY. The board may grant a license without an examination to a diplomate of the American Board of Professional Psychology or to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by section 148.91.

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## Sec. 11. [148.925] SUPERVISION.

Subdivision 1. PERSONS QUALIFIED TO PROVIDE SUPERVISION. (a) The following persons are qualified to provide supervision for master's degree level applicants for licensure as a licensed psychologist:

(1) a licensed psychologist with a competency in supervision in professional psychology and in the area of practice being supervised; and

(2) a person eligible for licensure by reciprocity who, in the judgment of the board, is competent or experienced in professional psychology and in the area of practice being supervised.

(b) Professional supervision of a doctoral level applicant for licensure as a licensed psychologist must be provided by a person:

(1) who meets the requirements of paragraph (a), clause (1) or (2), and

(2)(i) who has a doctorate degree with a major in psychology, or

(ii) who was licensed by the board as a psychologist before August 1, 1991, and is certified by the board as competent in supervision of applicants for licensure in accord with section 7, subdivision 1, clause (10), by August 1, 1993.

Subd. 2. SUPERVISORY CONSULTATION. (a) Supervisory consultation between a supervising licensed psychologist and a supervised psychological practitioner must occur on a one-to-one basis at a ratio of at least one hour of supervision for the initial 20 or fewer hours of psychological services delivered per month and no less than one hour a month. The consultation must be at least one hour in duration. For each additional 20 hours of psychological services delivered per month, an additional hour of supervision must occur. However, if more than 20 hours of psychological services are provided in a week, no time period of supervision beyond one hour per week is required, but supervision must be adequate to assure the quality and competence of the services. Supervisory consultation must include discussions on the nature and content of the practice of the psychological practitioner, including but not limited to a review of a representative sample of psychological services in the supervisee's practice.

(b) Supervision of an applicant for licensure as a licensed psychologist must include at least two hours of regularly scheduled face-to-face consultations a week, one hour of which must be with the supervisor on a one-to-one basis. The remaining hour may be with other mental health professionals designated by the supervisor.

Sec. 12. Minnesota Statutes 1990, section 148.93, is amended to read:

## 148.93 LIMITATION.

Subdivision 1. FEE SPLITTING PROHIBITED. A licensed psychologist may engage in private practice only in collaboration with at least one licensed

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consulting psychologist in the licensed psychologist field of practice. In addition, a licensed psychologist so collaborating may form any other working relationships with psychologists or other professionals insofar as these do not violate other sections of this or other Minnesota Statutes. It shall be is unlawful for any licensed psychologist or licensed consulting psychologist a licensee to divide fees with; or to pay a commission to; or to pay a referral fee to any other person who calls for consultation or sends clients for psychological services as defined in Laws 1973, chapter 685, provided that unless the licensee receives a payment of a fee for collaborative services performed is not prohibited by this section in proportion to the services provided and the responsibility assumed by each professional and the licensee has disclosed the terms of the division.

Subd. 2. REQUIREMENTS FOR INDEPENDENT PRACTICE. After the effective date of this section, no person shall engage in the independent practice of psychology unless that person is licensed as a licensed psychologist.

Subd. 3. REQUIREMENTS FOR PSYCHOLOGICAL PRACTITIONERS. A psychological practitioner shall practice only under supervision that satisfies the requirements of section 11 and while employed by either a licensed psychologist or a health care or social service agency which employs or contracts with a supervising licensed psychologist who shares clinical responsibility for the care provided by the psychological practitioner.

Subd. 4. WAIVER. (a) The board shall grant a waiver from the supervision requirements of section 11 to a psychological practitioner who presents evidence of:

(1) completion of two full years or their equivalent of supervised post-master's degree employment, meeting the requirements of section 11;

(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 psychological practitioner; and

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

(b) From the effective date of this act until December 31, 1993, the supervision requirements of section 11 must be deemed by the board to be waived for a person who has submitted a request for a waiver under paragraph (a) from the time the person submits the request for a waiver until the board has: (1) reviewed the waiver request; (2) given the applicant a reasonable opportunity to

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furnish additional or supplementary information required by the board; and (3) either granted the waiver or denied the request for a waiver. After December 31, 1993, the supervision requirements must be deemed waived for a person who previously received a waiver under paragraph (a) and is seeking a new waiver because of a change of employment to a different employer or employment setting. The deemed waiver continues until the board either grants or denies the waiver as provided in clauses (1) to (3). A person who has been denied a waiver is entitled to appeal the decision using a contested case hearing. The person must request a hearing within 30 days after receiving notice from the board that the request for a waiver has been denied. A deemed waiver under this paragraph continues until the appeal has been resolved.

Sec. 13. Minnesota Statutes 1990, section 148.95, is amended to read:

#### 148.95 SUSPENSION AND REVOCATION.

The board may suspend or revoke the license of any consulting psychologist or psychologist may be suspended or revoked by the board licensee upon proof of guilt that the licensee has been guilty of unprofessional conduct as defined by the rules established by the board or violation of has violated the code of ethics adopted by the board.

For reasons it ~~deems~~ considers sufficient and upon a an affirmative vote of six of its members, the board may restore a license ~~which that~~ that has been revoked, reduce a period of suspension, or withdraw a reprimand.

Sec. 14. Minnesota Statutes 1990, section 148.96, is amended to read:

#### 148.96 PRESENTATION TO PUBLIC.

Subdivision 1. REQUIREMENTS FOR ADVERTISING. No individual shall present or permit presentation of that individual to the public by any title incorporating the word "psychological," "psychologist," or "psychology" other than those so licensed by Laws 1973, chapter 685; except that: All psychologists and psychological practitioners, when representing themselves to the public through written materials or advertising, must use their academic degree as well as their license status in the advertising or written materials.

Subd. 2. DISCLOSURE OF EDUCATION. At the initial meeting, a psychologist shall display or make available to each new client accurate information about the qualifications and competencies of the psychologist, in accordance with regulations of the board.

Subd. 3. REQUIREMENTS FOR REPRESENTATIONS TO THE PUBLIC. Individuals shall not present themselves or permit themselves to be presented to the public as psychologists unless they are licensed under sections 148.88 to 148.98, except as provided in paragraphs (a) to (c).

(1) Any (a) Psychologically trained individual individuals who are employed by an educational institutions institution recognized by a regional accrediting

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organization, by a federal, state, county, or local governmental institutions government institution, agencies, or research facilities, or agencies providing services on a contracting basis may be represented represent themselves by the academic or research title designated by that organization.

(2) ~~Any (b) A~~ psychologically trained individual from such recognized institutions, as given an institution described in clause (1); paragraph (a) may offer lecture services and be exempt from the provisions of this section; and.

(3) ~~Persons (c) A~~ person preparing for the profession of psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as a "psychological intern," "psychological trainee," or others by other terms clearly indicating such describing the person's training status.

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

Sec. 15. Minnesota Statutes 1990, section 148.97, subdivision 1, is amended to read:

Subdivision 1. Any person who shall engage in the private practice of psychology without having obtained a license under Laws 1973, chapter 685 and any person who shall violate violates any other provision of Laws 1973, chapter 685 shall be sections 148.88 to 148.97 is guilty of a misdemeanor.

Sec. 16. Minnesota Statutes 1990, section 148.98, is amended to read:

#### 148.98 CODE OF ETHICS.

The board shall adopt a code of ethics to govern appropriate practices or behavior, as referred to in section 148.89. The board shall publish the code in the State Register and file such the code with the secretary of state at least 30 days prior to the effective date of such the code. ~~This~~ The code of ethics shall include, but is not be limited to, the following principles: in paragraphs (a) to (c).

(1) ~~(a) The~~ psychologist recognizes personal shall recognize the boundaries of the psychologist's competence and the limitation of the psychologist's techniques and ~~does shall~~ not offer services or use techniques that fail to meet usual and customary professional standards established in particular fields.

(2) ~~(b) The~~ psychologist who engages in practice assists the client shall assist clients in obtaining professional help for all important aspects of the client's problem their problems that fall outside the boundaries of the psychologist's competence.

(3) ~~(c) A~~ psychologist does shall not claim either directly or by implication professional qualifications that differ from the psychologist's actual qualifications, nor ~~does shall~~ the psychologist misrepresent the psychologist's affiliation with any institution, organization, or individual, nor lead others to assume the psychologist has false affiliations an affiliation that does not exist.

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Sec. 17. Minnesota Statutes 1990, section 253B.02, subdivision 7, is amended to read:

Subd. 7. **EXAMINER.** "Examiner" means a person who is knowledgeable, trained, and practicing in the diagnosis and treatment of the alleged impairment and who is:

(1) a licensed physician; or

(2) a licensed ~~consulting~~ psychologist; ~~knowledgeable, trained and practicing in the diagnosis and treatment of the alleged impairment who has a doctoral degree in psychology or who became licensed as a licensed consulting psychologist before July 2, 1975.~~

Sec. 18. **LEGISLATIVE INTENT.**

In passing sections 1 to 17, the legislature does not intend to expand the jurisdiction of the board of psychology to include occupations and professions not traditionally regulated by the board, including, but not limited to, chemical dependency counselors, occupational therapists, and employment rehabilitation workers.

Sec. 19. **INSTRUCTION TO REVISOR.**

In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall: (1) substitute the term "psychological practitioner" for the term "licensed psychologist" wherever the latter term appears; (2) substitute the term "licensed psychologist" for the term "licensed consulting psychologist" wherever the latter term appears; and (3) substitute the citation "sections 148.88 to 148.97" for the citation "Laws 1973, chapter 685" wherever the latter citation appears in Minnesota Statutes, sections 148.89, 148.90, 148.93, 148.96, and 148.97. This instruction does not apply to the language in this act.

Sec. 20. **REPEALER.**

Minnesota Statutes 1990, sections 148.92 and 148.97, subdivision 4, are repealed.

Presented to the governor May 28, 1991

Became law without the governor's signature June 1, 1991

[Revisor's Note: While the governor attempted to veto this chapter, the Ramsey County District Court found the attempted veto to be invalid.]

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## CHAPTER 256—S.F.No. 880

*An act relating to checks; increasing bank verification requirements for opening checking accounts; limiting service charges for dishonored checks on persons other than the issuer; regulating check numbering procedures; giving the commissioner of commerce enforcement*

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