

CHAPTER 7200
BOARD OF PSYCHOLOGY
PSYCHOLOGISTS' LICENSURE AND ETHICS

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7200.0100 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

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

[For text of subp 4, see M.R.]

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

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

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

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

Subp. 5d. Field of practice. "Field of practice" means a broad area within the profession of psychology that is commonly recognized by psychologists as requiring skills not necessarily required for practice in other broad areas. Examples of field of practice are clinical, counseling, educational, industrial/organizational, and school psychology.

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

[For text of subp 7, see M.R.]

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

[For text of subp 9, see M.R.]

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

[For text of subps 11 to 13, see M.R.]

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.0300 REQUIREMENTS FOR ADMISSION TO EXAMINATION.

In order to be admitted to examination an applicant must:

A. file with the board a completed notarized application for admission to examination which includes an affirmation that the statements made on the application are true and correct to the best of the knowledge and belief of the applicant, and which is accompanied by the current nonrefundable examination application fee and a certified check or money order made payable to the national entity sponsoring the examination;

[For text of items B and C, see M.R.]

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 2988*

7200.0400 ADMISSION TO EXAMINATION.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.0500 DENIAL OF ADMISSION TO EXAMINATION.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.0600 REQUIREMENTS FOR LICENSURE.

To be eligible for licensure an applicant must:

A. meet the requirements in part 7200.0300;

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

C. have completed two years of postdegree supervised employment as stated in parts 7200.0800 and 7200.2000 to 7200.2600;

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

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

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

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.0800 SUPERVISED EMPLOYMENT, AREAS OF COMPETENCE.

The application for licensure must include for each postdegree supervised employment the setting, nature, and extent, the time period involved, the number of hours per week engaged in professional duties, the number of hours of face to face supervision per week, the name, address, and qualifications of the supervisor, and the areas of competence in which proficiency has been gained. The application may include areas of competence in which proficiency has been gained through experience, such as internships or practica, which is not counted toward the employment requirement of Minnesota Statutes, section 148.91, subdivisions 4 and 5.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.0900 REQUIREMENTS FOR ENDORSEMENT.

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

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1000 ADDING AREAS OF COMPETENCE.

At any time, a licensee may add an area of competence in which proficiency

has been gained by submitting to the board a written statement of the area of competence. The statement must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the licensee.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1100 INQUIRIES REGARDING APPLICANTS.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1200 DENIAL OF LICENSURE.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1300 EDUCATIONAL REQUIREMENT FOR LICENSURE.

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

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

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

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

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

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

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

Subp. 4. Degrees earned after June 30, 1991. For both types of licensure

based on degrees earned after June 30, 1991, the major must meet the following requirements:

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

B. The transcript of the applicant must indicate:

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

- (a) scientific methods;
- (b) theories of measurement;
- (c) biological bases of behavior;
- (d) cognitive-affective bases of behavior;
- (e) social bases of behavior;
- (f) personality theory and human development; and
- (g) professional ethics, standards of conduct, and issues of professional practice.

(2) A minimum of six additional graduate quarter credits or their equivalent of course work earned in the application of psychological principles to problem identification. The course work must be in the areas of assessment, evaluation, or data collection, or any combination of these areas.

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

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

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

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

(c) The experience must include an average of at least two hours a week of regularly scheduled, formal face to face individual supervision for a placement of 40 hours per week, 1-1/2 hours for a placement of 30 hours per week, or one hour for a placement of 20 hours per week. The supervisor who is a licensee or licensable must provide an average of one hour a week of supervision, but may delegate other training to appropriate agency staff members.

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

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988*

7200.1400 [Repealed, 14 SR 74]

7200.1410 CORE AREA COURSE CREDIT EQUIVALENCE.

In lieu of credits earned in a core area listed in part 7200.1300, subpart 4, item B, an applicant may offer a certification to the board by the chair of the

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department that the applicant has passed an examination in that core area required for the master's degree or for admission to candidacy for a doctoral degree.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1450 POSTDEGREE PROGRAM COMPLETION.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1600 DEGREES FROM FOREIGN INSTITUTIONS.

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

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

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

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

C. the program leading to the advanced degree must have been in existence for at least ten years and must be recognized by the central government of the country in which the institution is located as entitling the holder of the degree to practice psychology in that country; and

D. the major meets the requirements of part 7200.1300.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1700 DEGREE MAJORS IN OTHER PROFESSIONS.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.1800 BURDEN OF PROOF.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.2000 PROFESSIONAL EMPLOYMENT REQUIREMENTS.

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

[For text of item A, see M.R.]

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

C. Include at least four hours of regularly scheduled, formal face to face supervision for each two-week period at work, two hours of which must be with the supervisor as defined in part 7200.0100, subpart 10. The remaining two hours may be with other mental health professionals designated by the supervisor. Hours spent in supervision count as hours of employment for the purposes of part 7200.0600, item C.

D. Be performed competently as judged by the supervisor.

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988*

7200.2600 CREDITING PART-TIME EMPLOYMENT.

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

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988*

7200.3000 EXAMINATIONS.

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

A. a national standardized test in psychology, the cost of which is determined by the national entity sponsoring the examination;

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

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

Subp. 2. Announcement of examination. The date of the national standardized test shall be announced by the board. The announcement shall establish time, place, the amount of the examination application fees payable to the board and to the entity sponsoring the examination, and the date by which documentation for the application for admission to examination must be completed to qualify for the announced test.

Subp. 3. Notification to admitted applicants. The board shall notify in writing

each applicant who has been admitted to a part of the examination. The notice shall state the date, time, and place where the applicant is scheduled to be examined. An applicant who fails to appear at the scheduled time for a part listed in subpart 1, item B or C, must submit a written request for deferment within 15 days after that date or forfeit the application fee. An applicant who fails to appear at the scheduled time for the part listed in subpart 1, item A, forfeits the application fee payable to the board.

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

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

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

[For text of subp 5, see M.R.]

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988*

7200.3200 TERM OF LICENSE.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3500 LATE FEES.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3510 TERMINATION NOTICE.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3600 [Repealed, 14 SR 74]

7200.3605 TERMINATION FOR NONRENEWAL OF LICENSE.

The board by means of a roll call vote shall terminate the license of a licensee whose license renewal is at least 60 days overdue and to whom notification has been sent as provided in part 7200.3510. Failure of a licensee to receive notifica-

tion is not ground for later challenge of the termination. The former licensee shall be notified of the termination by registered or certified letter within seven days after the board action, in the same manner as provided in part 7200.3510. Failure of the former licensee to receive notice of termination is not ground for challenging the termination.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3610 RELICENSURE FOLLOWING TERMINATION.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3620 PRACTICING WITHOUT A LICENSE.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3700 VOLUNTARY TERMINATION.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.3800 [Repealed, 14 SR 74]

7200.3900 COLLABORATION.

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

[For text of subps 2 and 3, see M.R.]

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.4600 COMPETENCE.

[For text of subps 1 and 2, see M.R.]

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

[For text of subps 3 and 4, see M.R.]

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.4700 PROTECTING THE PRIVACY OF CLIENTS.

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

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

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

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

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

[For text of subps 6 to 11, see M.R.]

Subp. 12. **Disciplinary cases.** A psychologist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.4800 [Repealed, 14 SR 74]

7200.4810 IMPAIRED OBJECTIVITY, EFFECTIVENESS.

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

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

- A. the psychologist has a dual relationship with a client;
- B. the psychologist misuses the relationship with a client due to a relationship with another individual or entity;
- C. the psychologist is biased against a client because of the client being a member of a class of individuals that is legally protected from discrimination;

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

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

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.4900 CLIENT WELFARE.

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

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

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

B. copies of all correspondence relevant to the client;

C. a client personal data sheet; and

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

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

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

[For text of items A and B, see M.R.]

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

[For text of items D and E, see M.R.]

F. to privacy as defined by rule and law;

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

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

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

[For text of subps 3 to 7, see M.R.]

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

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

[For text of subp 9, see M.R.]

Subp. 10. Complaints to board. A psychologist, for purposes of this subpart the "first psychologist," shall file a complaint with the board when the first psychologist has reason to believe that a second psychologist is having or has had sexual contact with a client in violation of subpart 8, or has failed to report abuse of children or vulnerable adults in violation of part 7200.4700, subpart 11. This requirement to file a complaint does not apply when the belief is based on information obtained by the first psychologist in the course of providing psychological services to the second psychologist. Nothing in this part relieves the first psychologist from the duty to file a report as required by Minnesota Statutes, section 626.556 or 626.557, regarding abuse of children and vulnerable adults.

[For text of subps 11 and 12, see M.R.]

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988*

7200.5000 ASSESSMENTS, TESTS, REPORTS.

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

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

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

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

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

A. a description of all assessments, evaluations, or other procedures upon which the psychologist's conclusions are based;

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

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

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

[For text of subp 4, see M.R.]

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5100 PUBLIC STATEMENTS.

[For text of subps 1 and 2, see M.R.]

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5200 FEES AND STATEMENTS.

[For text of subpart 1, see M.R.]

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

Subp. 3. **No misrepresentation.** A psychologist shall not directly or by implication misrepresent to the client or to a third party billed for services the nature of the services, the extent to which the psychologist has provided the services, or the individual who is professionally responsible for the services provided.

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

[For text of subp 5, see M.R.]

Subp. 6. [Repealed, 14 SR 74]

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5300 PRACTICING WITHOUT A LICENSE.

A psychologist shall not aid or abet an unlicensed individual in engaging in

the private practice of psychology. A psychologist who supervises an individual preparing for the professional practice of psychology according to Minnesota Statutes, section 148.97, subdivision 3, clause (2) is not in violation of this part if the individual is not engaging in the private practice of psychology.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5400 WELFARE OF STUDENTS, SUPERVISEES, AND RESEARCH SUBJECTS.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5600 DECEPTION OR FRAUD.

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.5700 UNPROFESSIONAL CONDUCT.

A psychologist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating parts 7200.4600 to 7200.5600 or violating those standards of professional behavior that have become established by consensus of the expert opinion of psychologists as reasonably necessary for the protection of the public interest.

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.6000 WAIVERS AND VARIANCES.

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 148.90 subd 2; 148.98; 214.06 subd 2*

History: *14 SR 74*

7200.6100 FEES.

Fees for licensure of psychologists payable to the board are as follows:

- A. application for admission to examination, \$15;
- B. application for licensure, \$170;
- C. renewal of license, \$170; and
- D. late renewal of license, \$150.

Statutory Authority: *MS s 148.90; 148.98; 214.06*

History: *14 SR 2988*