

**7200.0110 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means an individual who has submitted to the board an application for licensure, registration, or admission to an examination.

Subp. 3. **Board.** "Board" means the Minnesota Board of Psychology.

Subp. 4. **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 5.

Subp. 5. **Competent practice.** "Competent practice" means the ability to provide services within the practice of psychology, as defined in the Psychology Practice Act, that:

- A. are rendered with reasonable skill and safety;
- B. meet minimum standards of acceptable and prevailing practice; and
- C. take into account human diversity.

Subp. 6. **Continuing education.** "Continuing education" means postlicensure activities designed to contribute to competence in the practice of psychology.

Subp. 7. **Dependent on the provider.** "Dependent on the provider" means that the nature of a former client's emotional or cognitive condition and the nature of the services by the provider are such that the provider knows or should have known that the former client is unable to withhold consent to sexual or exploitative behavior by the provider.

Subp. 8. **Familial.** "Familial" means of, involving, related to, or common to a family member as defined in subpart 9.

Subp. 9. **Family member or member of the family.** "Family member" or "member of the family" means a spouse, parent, offspring, sibling, grandparent, grandchild, uncle, aunt, niece, or nephew, or an individual who serves in one of these roles.

Subp. 10. **Forensic.** "Forensic" means services within the practice of psychology, of which the purpose is to address questions and issues relating to parties to legal proceedings and to law and the legal system, including the courts, correctional agencies and facilities, attorneys, and administrative, judicial, and legislative agencies acting in an adjudicative capacity.

Subp. 11. **Human diversity.** "Human diversity" means individual client differences that are associated with the client's cultural group, including race, ethnicity, national origin, religious affiliation, language, age, gender, gender identity, physical and mental capabilities, sexual orientation, or socioeconomic status.

Subp. 12. **Informed consent.** "Informed consent" means an agreement between a provider and a client that authorizes the provider to engage in a professional activity affecting the client that was made after the client was given sufficient information to decide knowingly whether to agree to the proposed professional activity according to part 7200.4720. The information shall be discussed in language that the client can reasonably be expected to understand. The consent shall be given without undue influence by the provider.

Subp. 13. **Internship.** "Internship" means an advanced predoctoral or postdegree remediated supervised professional experience beyond beginning and advanced practicum experiences and following completion of all doctoral degree coursework, excluding credits awarded for completion of the dissertation.

Subp. 14. **Multiple clients.** "Multiple clients" means two or more individuals or entities that are each a corecipient of psychological services. Multiple clients may include, but are not limited to, two or more family members, when each is the direct recipient of services; each client receiving group psychological services; a court and a client under court order to receive a psychological service; or an employer and employee when the employee receives services in order to provide the employer with information regarding an employment matter.

Subp. 15. **Multiple relationship.** "Multiple relationship" means a relationship between a provider and a client that is both professional and one or more of the following:

- A. cohabitational;
- B. familial;
- C. one in which there is or has been personal involvement with a client or a family member of the client that is reasonably likely to adversely affect the client's welfare or ability to benefit from services; or
- D. one in which there is financial involvement, other than legitimate payment for professional services rendered, that is reasonably likely to adversely affect the client's welfare or ability to benefit from services.

Subp. 16. **Objective.** "Objective" means a manner of administering a test and recording, scoring, and interpreting responses that is independent, insofar as is possible, of the subjective judgment of the particular examiner.

Subp. 17. **Practice foundation.** "Practice foundation" means that a continuing education activity is based upon observations, methods, procedures, or theories that are generally accepted by the professional community in psychology.

Subp. 18. **Practicum.** "Practicum" means supervised professional experience that is pre-internship and provides the opportunity to develop initial competence in the provision of psychological services.

Subp. 19. **Private information.** "Private information" means any information, including but not limited to, client records, test results, or test interpretations, developed during a professional relationship between a provider and a client.

Subp. 20. **Professional relationship.** "Professional relationship" means the relationship between a provider and the provider's client.

Subp. 21. **Professional standards foundation.** "Professional standards foundation" means that a continuing education activity is based upon practice-related statutes, licensure rules, legal decisions, ethics codes, or practice guidelines in psychology or related disciplines.

Subp. 22. **Psychologist or licensed psychologist.** "Psychologist" or "licensed psychologist" means an individual who is licensed by the board to engage in the independent practice of psychology, or an individual exempted by statute.

Subp. 23. **Public statements.** "Public statements" means any statements, communications, or representations by providers to the public regarding themselves or their professional services or products. Public statements include but are not limited to advertising, representations in reports or letters, descriptions of credentials and qualifications, brochures and other descriptions of services, directory listings, personal resumes or curricula vitae, comments for use in the media, Web sites, grant and credentialing applications, or product endorsements.

Subp. 24. **Report.** "Report" means any written or oral professional communication, including a letter, regarding a client or subject that includes one or more of the following: historical data, behavioral observations, test interpretations, opinions, diagnostic or evaluative statements, or recommendations. The testimony of a provider as an expert or fact witness in a legal proceeding also constitutes a report. For purposes of this chapter, letters of recommendation for academic or career purposes are not considered reports.

Subp. 25. **Research subject.** "Research subject" means an individual participating in a research study for the period of time during which the individual is providing data for the study.

Subp. 26. **Rules of conduct.** "Rules of conduct" means the rules contained in parts 7200.4500 to 7200.5750.

Subp. 27. **Scientific foundation.** "Scientific foundation" means that a continuing education activity is based upon quantitative or qualitative research, such as, but not limited to, published peer-reviewed experiments or correlational, observational, or ethnographic studies, or upon research presented at professional meetings.

Subp. 28. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a client or former client:

A. sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, into the genital or anal openings of the client's or former client's body by any part of the provider's body or by any object used by the provider for this purpose, or any intrusion, however slight, into the genital or anal openings of the provider's body by any part of the client's or former client's body or by any object used by the client or former client for this purpose, if agreed to by the provider;

B. kissing of, or the intentional touching by the provider of the client's or former client's genital area, groin, inner thigh, buttocks, or breast or the clothing covering any of these body parts;

C. kissing of, or the intentional touching by the client or former client of the provider's genital area, groin, inner thigh, buttocks, or breast or the clothing covering any of these body parts if the provider agrees to the kissing or intentional touching.

Sexual contact includes requests by the provider for conduct described in items A to C.

Subp. 29. **Significant risks and benefits.** "Significant risks and benefits" means those risks and benefits that are known or reasonably foreseeable by the provider, including the possible range and likelihood of outcomes, and that are necessary for the client to know in order to decide whether to give consent to proposed services or to reasonable alternative services.

Subp. 30. **Sponsor.** "Sponsor" means an individual or entity that organizes a sponsored continuing education activity.

Subp. 31. **Standardized test.** "Standardized test" means a test that is administered, recorded, and scored in a uniform and objective manner, is interpreted by means of normative data, and includes a manual or other published information that fully describes its development, rationale, validity, reliability, and normative data.

Subp. 32. **Student.** "Student" means an individual over whom the provider has evaluative academic authority, including an individual who is enrolled in a graduate program in psychology at an educational institution or who is taking a psychology course for credit. This does not apply to an individual who is taking a psychology course to receive continuing education credit from a board or who is auditing a course.

Subp. 33. **Supervisee.** "Supervisee" means an individual whose supervision is required to obtain credentialing by a board of psychology or to comply with a board order.

Subp. 34. **Test.** "Test" means any instrument, device, survey, questionnaire, technique, scale, inventory, or other process which is designed or constructed for the purpose of measuring, evaluating, assessing, describing, or predicting personality,

behavior, traits, cognitive functioning, aptitudes, attitudes, skills, values, interests, abilities, or other psychological characteristics of individuals.

Subp. 35. **Unprofessional conduct.** "Unprofessional conduct" means any conduct that fails to conform to the minimum standards of acceptable and prevailing practice.

Subp. 36. **Variance.** "Variance" means board-authorized permission to comply with a rule in a manner other than that generally specified in the rule.

Subp. 37. **Waiver.** "Waiver" means board-authorized permission not to comply with a rule.

Subp. 38. **Written informed consent.** "Written informed consent" means informed consent that is in writing and signed by the client.

**Statutory Authority:** *MS s 148.905; 148.98*

**History:** *37 SR 1085*

**Published Electronically:** *January 31, 2013*