

CHAPTER 7200
BOARD OF PSYCHOLOGY
PSYCHOLOGISTS' LICENSURE AND ETHICS

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LICENSURE

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 - Subp. 3. [Repealed, 37 SR 1085]
 - Subp. 3a. [Repealed, L 2013 c 125 art 1 s 108]
 - Subp. 4. [Repealed, 17 SR 2285]
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Subp. 10. [Repealed, 17 SR 2285]

Subp. 11. [Repealed, 37 SR 1085]

Subp. 12. [Repealed, 37 SR 1085]

Subp. 13. [Repealed, 37 SR 1085]

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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*

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7200.0200 LICENSURE PROCESS.

The process of obtaining licensure from the board involves three separate parts: specified educational requirements, including academic and experiential training; specified board examinations; and specified postdegree supervised employment experiences for licensure.

Statutory Authority: *MS s 148.90; 148.905; 148.98*

History: *37 SR 1085*

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7200.0550 EXAMINATION REQUIREMENTS FOR LICENSURE.

Subpart 1. **Two examinations.** To qualify for licensure, an applicant is required to pass two examinations:

- A. a national standardized examination in psychology specified by the board; and
- B. a professional responsibility examination specified by the board.

Subp. 2. **Passing scores.** The passing score for a national standardized examination is the recommended score defined by the Association of State and Provincial Psychology Boards for that examination. The passing score for the professional responsibility examination is specified by the board.

Subp. 3. **Requirements for admission to examination.** An applicant shall not apply for the national standardized examination or the professional responsibility examination until after the requirements for the degree have been completed. In order to be admitted to examination an applicant shall:

A. file with the board a completed application for admission to examination that 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 that is accompanied by payment in a manner specified by the board. This payment covers the current nonrefundable examination application fee;

B. provide official transcripts of all graduate work, including verification of the degree granted, to be submitted directly to the board from the institution granting the degree. Official transcripts shall be received in the board office prior to processing the application;

C. for an application based upon the equivalent of a master's degree in a doctoral program, provide for that equivalency to be verified in writing directly to the board by the degree program director or equivalent. Verification shall be received in the board office prior to processing the application; and

D. have met the applicable requirements of part 7200.1300 and the requirements of part 7200.1500 or 7200.1600, if applicable.

Subp. 4. **Denial of admission to examination.** An applicant who has failed to meet the requirements in subpart 3, items A to C, shall be denied admission to the examination and informed in writing of the denial and the reasons for it. An applicant who has been denied admission to an examination may reapply and shall pay the current nonrefundable application fee with each application.

Subp. 5. **Passing national examination while in another jurisdiction.** An applicant for licensure who has passed the national standardized examination required in subpart 1, item A, in another jurisdiction is considered to have met the requirements of this part with respect to that examination, provided performance

on the examination in another jurisdiction is at least at the same level deemed satisfactory by Minnesota board standards at the time of application.

Subp. 6. **Failure to pass or take examination.** An applicant who has failed an examination or failed to appear for an examination may reapply to take the examination, subject to any limitations imposed by the Association of State and Provincial Psychology Boards or the test vendor. The applicant shall pay the current nonrefundable application fee with each application.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

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7200.0600 REQUIREMENTS FOR LICENSURE.

To be eligible for licensure, an applicant must:

A. meet the requirements for admission to the examinations specified in part 7200.0550, subpart 3;

B. file with the board an 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 includes the current nonrefundable licensure application fee;

C. have completed the supervised employment requirements in part 7200.2000, which is independently verified by the board;

D. have performed satisfactorily on the examinations listed in part 7200.0550; and

E. provide names for endorsement from at least two individuals meeting the qualifications in part 7200.0900 who can attest that the applicant has met the requirements of Minnesota Statutes, section 148.907, subdivision 2, clause (5).

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285; 37 SR 1085*

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7200.0700 [Repealed, 37 SR 1085]

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7200.0800 SUPERVISED EMPLOYMENT FOR LICENSED PSYCHOLOGISTS.

The application for licensure as a licensed psychologist 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 individual, in-person supervision which may include interactive, visual, or electronic communication, per week provided by the primary supervisor, the number

of hours of designated supervision per week, as defined by statute, and the name, address, and qualifications of the supervisor.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285; 37 SR 1085*

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7200.0900 REQUIREMENTS FOR ENDORSEMENT.

For an endorsement to meet the requirements of part 7200.0600, item E, the endorser must be a licensee of the board, an individual who is licensed to practice psychology by another jurisdiction, or an individual with a doctoral degree in psychology. The endorser must have observed the applicant while the applicant was engaged in the practice of psychology within the previous three years. The endorser cannot be an employee or family member of the applicant.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

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7200.1300 EDUCATIONAL REQUIREMENTS FOR LICENSURE.

Subpart 1. **Licensed psychologist.** The educational requirement for licensure as a licensed psychologist is a doctoral degree with a major in psychology. The degree shall be obtained in an institution accredited by a regional accrediting association to grant the doctoral degree being submitted for licensure and shall meet the standards the board has established by rule.

Subp. 2. **Grandparenting provision.** Notwithstanding the provisions of subpart 1, the educational requirement for licensure as a licensed psychologist for any applicant who has met the requirements of Minnesota Statutes, section 148.907, subdivision 3, paragraph (b), clause (1), is a master's degree, including a master's equivalent in a doctoral program, with a major in psychology obtained in an institution accredited by a regional accrediting association. The applicant must have been accepted into the program by November 1, 1991, whether or not the applicant had enrolled in a class by that date. An applicant who

entered the program by November 1, 1991, and who later transferred to another program leading to a degree in psychology is considered having met the admission requirements of Minnesota Statutes, section 148.907, subdivision 3, paragraph (b), clause (1).

Subp. 2a. [Repealed, 37 SR 1085]

Subp. 3. [Repealed, 37 SR 1085]

Subp. 4. [Repealed, 37 SR 1085]

Subp. 5. **Degree requirements.** The doctoral degree must be from a program that is an organized sequence of study in psychology and must meet the requirements in items A and B.

A. The degree must include the completion of graduate credits as specified in subitems (1) to (3).

(1) A minimum of the specified number of graduate semester or quarter credits of coursework earned in each of the foundational areas of psychology listed in units (a) to (g). Coursework relating to the application of psychological principles to the identification or solution of problems, as described in subitems (2) and (3), cannot be used to meet the requirements of units (a) to (g):

(a) research design, statistics, and psychological measurement theory, six semester credits or nine quarter credits required, of which at least one semester or 1-1/2 quarter credits must be in each of the following areas: research design, statistics, and psychological measurement theory;

(b) biological bases of behavior, three semester credits or five quarter credits required;

(c) cognitive-affective bases of behavior, three semester credits or five quarter credits required;

(d) social bases of behavior, three semester credits or five quarter credits required;

(e) personality theory and human development, three semester credits or five quarter credits required;

(f) human diversity, three semester credits or five quarter credits required; and

(g) professional ethics and standards of conduct, three semester credits or five quarter credits required.

(2) A minimum of six additional semester credits or nine quarter credits earned in the application of psychological principles to problem identification. The coursework must be in the areas of assessment, evaluation, or data collection, or a combination of these areas. Graduate credits in the foundational areas of psychology, as described in subitem (1), cannot be used to meet this requirement.

(3) A minimum of six additional semester credits or nine quarter credits in the application of psychological principles to problem solution. The coursework must be in the areas of psychological intervention or data analysis or a combination of these areas. Graduate credits in the foundational areas of psychology, as described in subitem (1), cannot be used to meet this requirement.

B. A minimum of 24 semester credit hours or 384 clock hours must be earned in residence from the educational institution through in-person psychological instruction with multiple program faculty and students. Acceptable academic residency experience shall be accumulated over a period of 12 consecutive months.

C. The applicant shall complete a predegree supervised experience in psychology. The experience must meet the criteria in subitems (1) to (10).

(1) For licensure based on a doctoral degree, the internship shall be an organized training program subject to:

- (a) a minimum of an 1,800-hour predoctoral internship in psychology;
- (b) a minimum of 20 hours per week of supervised experience;
- (c) completion in no fewer than 12, and within 30, consecutive months;
- (d) a minimum of two hours of regularly scheduled supervision per week up to 40 hours worked;
- (e) a minimum of one hour of supervision for each 20 hours, or portion of this, worked beyond 40 hours per week; and
- (f) one hour per week of supervision provided by the primary supervisor on an individual, in-person basis. Supervision beyond the one hour per week may be conducted on an individual or group basis by the primary supervisor or designated supervisor.

(2) For licensure based on a master's degree or a master's equivalent in a doctoral program, the practicum must be an organized training program subject to:

- (a) a 600-hour practicum in psychology;
- (b) a minimum of 15 hours per week of supervised experience;
- (c) completion in no fewer than six, and within 12, consecutive months;
- (d) a minimum of one hour of regularly scheduled supervision for each 20 hours, or portion thereof, worked; and
- (e) all supervision shall be provided by the primary supervisor on an individual, in-person basis.

(3) Hours that qualify as predegree supervised professional experience may include those spent in supervision, research, teaching, record keeping, report writing, staff meetings, client care conferences, and required training sessions, as well as hours spent in direct client contact.

(4) The primary supervisor may designate other master's or doctoral prepared mental health professionals to provide training and supervision in specific skills for all or part of the required supervision beyond one hour per week.

(5) The primary supervisor shall establish procedures that adequately provide communication with designated supervisors regarding the supervisee's training experiences. The primary supervisor shall retain supervisory responsibility for all of the supervised professional experience, which must include discussions that incorporate the applicable ethical and practice standards of psychology.

(6) All supervisors shall be readily available for supervision, including both regularly scheduled supervisory meetings with the supervisee and additional contacts as needed. All supervisors needed shall know the rules, policies, and procedures at the supervisee's work site or agency, and shall personally review the work of the supervisee on a regular basis.

(7) The primary supervisor shall be competent in supervision, including the areas supervised and the populations served, and shall know the prevailing ethical and practice standards of psychology.

(8) The primary supervisor shall be:

(a) a Minnesota licensed psychologist;

(b) an individual who is credentialed as a psychologist in another jurisdiction; or

(c) an individual who has a doctoral degree with a major in psychology and who is employed by a regionally accredited educational institution or by a federal, state, county, or local government, institution, agency, or research facility.

(9) The supervisor shall not be in a multiple relationship with the supervisee as defined in part 7200.0110, subpart 15, such as being an employee of the supervisee or a member of the supervisee's family.

(10) Reports by the supervisee shall be cosigned by the supervisor or issued with a cover letter stating that the report has been reviewed and approved by the supervisor.

D. The requirement in item C is considered met if the predegree internship completed by the applicant has been accredited by the American Psychological Association (APA) or the program is a member of the Association of Predoctoral Psychology Internship Centers (APPIC).

E. The applicant's official transcript of the degree on which licensure is based shall document successful completion of the requirements of items A and C. If not documented by the transcript, the applicant shall document successful completion of the requirements described in item C by a letter sent directly to the board from the degree program director or equivalent that certifies successful completion of the 1,800-hour doctoral internship or the 600-hour master's practicum.

Subp. 6. **Completion of APA or CPA accredited program.** The requirements of subpart 5, items A and B, are considered met for applicants based on a doctoral degree if the applicant provides acceptable evidence that the degree was earned in a doctoral program that was accredited by the APA or CPA at the time the degree was conferred.

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988; 17 SR 2285; 37 SR 1085*

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7200.1455 INCOMPLETE EDUCATIONAL REQUIREMENTS.

A. An applicant with a doctoral or master's degree in psychology or a master's equivalent in a doctoral program in psychology whose degree program does not meet the educational requirements for licensure, may complete them postdegree as follows:

(1) an applicant may earn up to 12 semester credits or equivalent toward the educational requirements for licensure that may be completed outside of an organized sequence of study; or

(2) an applicant who needs more than 12 semester credits or equivalent must complete them as part of an organized sequence of study.

B. Acceptable documentation for item A, subitem (1), consists of an official transcript sent directly to the board documenting the successful completion of educational requirements and acceptable documentation for item A, subitem (2), consists of a letter from the degree program director or equivalent certifying that the program is an organized sequence of study.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

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7200.1500 INSTITUTIONAL ACCREDITATION.

For a degree to meet the standards for licensure, the institution granting the degree must be regionally accredited at the time the degree is granted.

Statutory Authority: *MS s 148.90; 148.905; 148.98*

History: *37 SR 1085*

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7200.1550 AMERICAN PSYCHOLOGICAL ASSOCIATION ACCREDITED PROGRAMS.

The requirements of part 7200.1300 are met for an application based on a doctoral degree if the applicant provides evidence that the degree was earned in a doctoral program that was accredited by the American Psychological Association at the time of graduation.

Statutory Authority: *MS s 148.905; 148.98*

History: *30 SR 1291; 37 SR 1085*

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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 equivalent to a degree obtained from a regionally accredited domestic institution.

Subp. 2. **Other foreign institutions.** An applicant for licensure trained in an educational institution outside of the United States or Canada shall demonstrate to the satisfaction of the board that the applicant possesses a doctorate degree in psychology that meets the requirements of part 7200.1300. The applicant shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential

evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and any other documentation the board deems necessary. The applicant shall be responsible for the expenses incurred as a result of the evaluation.

Subp. 3. **Translation services.** Upon board request, an applicant shall obtain translations of any documents relevant to licensure. The translator must be approved by the board. The cost of translating any transcript or other documentation shall be borne by the applicant.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

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7200.1700 [Repealed, 37 SR 1085]

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7200.1800 [Repealed, 37 SR 1085]

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7200.1900 [Repealed, 37 SR 1085]

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7200.2000 SUPERVISED EMPLOYMENT REQUIREMENTS FOR LICENSURE AS A LICENSED PSYCHOLOGIST.

Subpart 1. **General.** All applicants shall complete one full year of postdegree supervised employment or the equivalent in part-time employment. Employment shall consist of a minimum of 1,800 hours of actual work experience that are accrued in no less than 12 months and in no more than 30 months from the first date of employment. Postdegree employment for licensure as a licensed psychologist shall comply with subparts 2 and 3.

Subp. 2. **Supervision.** All postdegree employment shall be supervised. Supervision of postdegree employment for licensure shall meet the requirements in items A to I.

A. The supervision shall be provided according to Minnesota Statutes, section 148.925, subdivisions 1 to 3, 5, and 6.

B. A minimum of one hour of regularly scheduled supervision per week up to 20 hours worked and a minimum of one hour of supervision for each 20 hours, or a portion, worked beyond 20 hours per week. Hours worked beyond 50 in a week shall not count to the total required hours.

C. One hour per week of supervision shall be provided by the primary supervisor on an individual, in-person basis. The primary supervisor may designate other master's or doctoral prepared mental health professionals to provide training and supervision in specific skills for the required supervision beyond one hour per week, which may be conducted on an individual or group basis.

D. The primary supervisor shall establish procedures that adequately provide for communication with designated supervisors regarding the supervisee's training experiences. In complying with Minnesota Statutes, section 148.925, the primary supervisor shall retain supervisory responsibility

for all supervised professional experience. Supervisory sessions with the primary supervisor shall include discussions that incorporate the applicable ethical and practice standards of psychology.

E. Both primary and designated supervisors shall be readily available for supervision, including both regularly scheduled supervisory meetings with the supervisee and ad hoc contacts as needed, and shall know the rules, policies, procedures, and populations served at the supervisee's work site. Both supervisors shall personally review the work of the supervisee on a regular basis.

F. Primary supervisors shall meet the competency and other requirements of supervision in Minnesota Statutes, section 148.925.

G. The supervisor shall not be in a multiple relationship with the supervisee, as defined in part 7200.0110, subpart 15.

H. The primary supervisor shall certify that the supervision requirements for licensure have been met.

I. An applicant who completes the required amount of postdegree supervised employment shall continue to receive supervision for any professional services meeting the definition of the practice of psychology until notified of licensure by the board.

Subp. 3. **Eligible employment.** Employment may be paid or unpaid and shall consist of the practice of psychology as defined in Minnesota Statutes, section 148.89, subdivision 5.

A. Employment that qualifies may include time spent in supervision, research, teaching, case management, program development, administration or evaluation, staff consultation, peer review, primary or secondary prevention, attendance at workshops, seminars, or other scientific or professional training activities, record keeping, report writing, staff meetings, client care conferences, required training sessions, and direct client contact.

B. Employment that does not qualify includes employment required as preparation for the master's or doctoral degree, or a professional training program completed in association with earning a master's or doctoral degree, such as an internship, assistantship, associateship, clerkship, or practicum.

C. Employment between the time all requirements for the degree were met and the time of conferral of the degree may be credited toward the employment requirements for licensure if the date of completion of all degree requirements is verified directly to the board in writing by the degree program director or equivalent.

D. The employment shall be performed competently as judged by the supervisor.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 14 SR 2988; 17 SR 2285; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.2030 APPLICANT'S RESPONSIBILITY.

It is the applicant's responsibility to demonstrate to the board that the applicant has met all requirements for licensure under the Minnesota Psychology Practice Act.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.2035 LICENSURE BY MOBILITY.

Subpart 1. **General.** Applicants for licensure by mobility shall meet all requirements for licensure under the Minnesota Psychology Practice Act.

Subp. 2. **Certification or diplomate or credential.** The educational requirements of part 7200.1300, the national standardized examination requirement of part 7200.0550, subpart 1, item A, and the postdegree employment requirements of part 7200.2000 shall be considered met if, at the time of application, the applicant provides acceptable evidence of certification as a current holder of the Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB) or of a diplomate from the American Board of Professional Psychology (ABPP) or a health service provider in psychology. An applicant seeking to qualify for licensure under this part who is a graduate of a program that is not APA accredited and earned the degree after adoption of this rule, shall meet the human diversity requirement of part 7200.1300, subpart 5, item A, subitem (1), unit (f).

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.2040 DENIAL OF LICENSURE.

An applicant who fails to meet all requirements for licensure under the Minnesota Psychology Practice Act 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 and must be accompanied by the current licensure application fee. An applicant who has been denied licensure may reapply and shall pay the current nonrefundable application fee with each application.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

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7200.2100 [Repealed, 37 SR 1085]

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7200.2200 [Repealed, 37 SR 1085]

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7200.2300 [Repealed, 37 SR 1085]

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7200.2400 [Repealed, 37 SR 1085]

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7200.2500 [Repealed, 37 SR 1085]

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7200.2600 [Repealed, 37 SR 1085]

Published Electronically: *January 31, 2013*

7200.3000 [Repealed, 37 SR 1085]

Published Electronically: *January 31, 2013*

7200.3100 DISPLAY OF LICENSE.

Upon request, a provider shall present the license for review.

Statutory Authority: *MS s 148.90; 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

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 7200.3700 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; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3250 NOTIFYING BOARD OF ADDRESS CHANGE.

Licensees and applicants shall designate to the board a public mailing address for all board correspondence. Licensees and applicants shall notify the board in writing within 30 days of a change of mailing address. Licensees shall also designate a public telephone number.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3300 NOTICE OF LICENSE RENEWAL.

At least one month before the renewal date, a renewal notice identifying the renewal date and the amount of the current nonrefundable renewal fee shall be provided to each licensee. Failure to receive the notice shall not relieve the licensee of the obligation to renew the license according to part 7200.3400, subpart 1.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3400 RENEWAL DEADLINE; APPLICATION AND FEE.

Subpart 1. **Payment of renewal fee.** Applications for renewal and fee must be received by the board or postmarked on or before the last day of the last month during which the license is valid.

Subp. 2. [Repealed, 37 SR 1085]

Subp. 3. [Repealed, 37 SR 1085]

Subp. 4. [Repealed, 37 SR 1085]

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.911; 148.98; 214.06*

History: *17 SR 2285; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3500 LATE FEES.

An application for renewal postmarked or received after the last day of the last month during which the license is in effect must be accompanied by both the renewal fee and the late fee.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

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7200.3510 TERMINATION FOR NONRENEWAL OF LICENSE.

Subpart 1. **Notice.** Within 30 days after the renewal date, a licensee who has not renewed the license, including submission of a completed application and affirmation of continuing education requirements, 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 renewal 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 failed to renew.

Subp. 2. **Termination of license.** The board 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 subpart 1. Failure of a licensee to receive notification is not grounds 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 subpart 1.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

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7200.3600 [Repealed, 14 SR 74]

Published Electronically: *January 31, 2013*

7200.3605 [Repealed, 37 SR 1085]

Published Electronically: *January 31, 2013*

7200.3610 RELICENSURE FOLLOWING TERMINATION.

Subpart 1. **Relicensure requirements.** A former licensee whose license has been voluntarily terminated or terminated as provided in part 7200.3510, subpart 2, 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 practice of psychology in this state since the date of termination, except according to the exemptions from licensure in Minnesota Statutes, section 148.96, subdivision 3. The verification must be accompanied by an 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 statutes and rules governing relicensure are the statutes and rules in effect at the time the initial license was granted.

Subp. 2. [Repealed, 37 SR 1085]

Statutory Authority: *MS s 148.90; 148.905; 148.911; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285; 37 SR 1085*

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7200.3620 PRACTICING WITHOUT A LICENSE.

A former licensee seeking relicensure following termination as provided in part 7200.3510, subpart 2, who has engaged in the independent practice of psychology in this state since the date of termination is subject to disciplinary action at the time the new license is granted or to denial of licensure.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285; 37 SR 1085*

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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. The board retains jurisdiction over a former licensee for complaints received after termination regarding conduct that occurred while licensed. A former licensee may be licensed

again only after complying with all laws and rules, as provided in part 7200.3610, subpart 1, for relicensure following termination.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

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7200.3800 [Repealed, 14 SR 74]

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CONTINUING EDUCATION

7200.3810 PURPOSE OF CONTINUING EDUCATION.

The purpose of mandatory continuing education is to:

A. promote the health, safety, and welfare of the residents of Minnesota who receive services from licensees; and

B. promote the professional competence of providers of these services.

The continued development and maintenance of competence, including the ability to address competently the psychological needs of individuals from culturally diverse populations, are ongoing activities and are the ethical responsibilities of each licensee.

Statutory Authority: *MS s 148.905; 148.911; 148.98*

History: *17 SR 2285; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3820 CONTINUING EDUCATION REQUIREMENTS.

As a requirement for license renewal, each licensee shall have completed during the preceding renewal period a minimum of 40 hours of continuing education activities approved by the board according to part 7200.3830.

Statutory Authority: *MS s 148.905; 148.911; 148.98*

History: *17 SR 2285; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3825 CALCULATION OF CONTINUING EDUCATION CREDIT.

Unless otherwise stated, one continuing education hour equals 60 minutes. Credit is given in one-half hour increments to the nearest one-half or full hour.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3830 ELIGIBLE CONTINUING EDUCATION ACTIVITIES.

Subpart 1. **Continuing education activities eligible for approval.** The activities in items A to G are eligible for approval, provided they meet the definition and purpose of continuing education in parts 7200.0110, subpart 6, and 7200.3810.

A. Developing and teaching an academic course in psychology in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. One academic credit equals ten continuing education hours. Acceptable documentation is verification from the degree program director or the equivalent at the institution that the licensee taught the course for the first time and the number of academic credits assigned by the institution.

B. Attending presentations based on scientific, practice, or professional standards foundations. Attendance may include participation by means of audio or audio-visual electronic communication. Acceptable documentation of completion is a certificate of attendance. For activities that do not provide a certificate of attendance, acceptable documentation of completion is a registration receipt with a printed program or brochure.

C. Completing home study and computer-based courses offered by a vendor. Acceptable documentation of completion includes verification by the vendor that the licensee has passed all post-tests, or a completion certificate issued by the vendor. Hours of credit listed by the vendor shall be used in determining the hours to be credited by the board.

D. Completing satisfactorily a graduate level course in psychology offered by an institution accredited by a regional accrediting association. Acceptable documentation is an academic transcript showing graduate credits earned. One academic credit equals 20 continuing education hours. Audited courses earn ten continuing education hours per academic credit.

E. Developing and presenting a presentation based on scientific, practice, or professional standards foundations. Acceptable documentation of completion is a printed program agenda, or copies of the presentation materials or slides. One presentation hour equals three continuing education hours for each hour of presentation. Continuing education hours may be earned only for the licensee's first presentation of the content.

F. Developing taped or computerized materials based on scientific, practice, or professional standards foundations. Acceptable documentation of completion is a copy of the materials. Three continuing education hours may be claimed for each hour of published running time.

G. Authoring, editing, or reviewing a psychological publication. Continuing education hours may be earned only in the year of publication or first distribution. Acceptable documentation includes a publication cover sheet, masthead, table of contents, or marketing materials. The maximum hours earned are as follows:

(1) author of a professional or scientific book equals 40 hours, and acceptable documentation is a copy of the title page and other pages that document the date of publication;

(2) author of a professional or scientific book chapter or peer-reviewed journal article, equals 20 hours, and acceptable documentation is the table of contents showing the title and author and other pages that document the date of publication;

(3) author of a professional or scientific article in an edited newsletter of a professional association equals five hours, and acceptable documentation is a copy of the article and the publication cover sheet;

(4) editor of a professional or scientific book or peer-reviewed journal equals 30 hours, and acceptable documentation is a copy of the title page and any pages that document the date of publication;

(5) editor-in-chief of a professional or scientific journal equals 40 hours, and acceptable documentation is a copy of the journal masthead and pages that document the dates that the licensee is the editor-in-chief;

(6) journal article review, three hours per manuscript, and for this activity only, continuing education hours may be earned in the year the review is received by the editor, and acceptable documentation is a letter from the editor verifying the review has been provided; and

(7) author of a test based on scientific foundations equals 30 hours, and acceptable documentation is a copy of the test and the test manual.

Subp. 2. Request for board approval.

A. A sponsor or licensee may request board approval for activities in subpart 1. The sponsor or licensee shall be notified within 45 days after receipt of a request whether the activity has been approved or denied. The board may approve all, a portion, or none of the submitted activity according to this part. The request shall be in writing, and in the case of a sponsor application for approval, it shall be accompanied by the applicable fee. Sponsor and licensee requests shall include the following:

- (1) the name and address of the sponsor;
- (2) the names, academic degrees, and credentials of the presenters, if appropriate;
- (3) the title of the activity and an outline of topics covered;
- (4) an agenda that specifies the timetable of instruction and other didactic activities;
- (5) the location and dates of the activity;
- (6) a statement of the educational objectives and targeted participants;
- (7) the mechanism for monitoring and clarifying attendance;
- (8) upon request, an explanation of how the activity contributes to the development or maintenance of the licensee's competence; and
- (9) upon request, documentation of the scientific, practice, or professional standards foundation for the topics covered.

B. When an activity is approved, the sponsor shall include the board's approval log number on the activity's brochure and certificate of attendance. The sponsor's brochures advertising approved activities shall include the information required under item A, subitems (1) to (7).

Materials advertising approved activities may include the statement: "THIS PROGRAM HAS BEEN APPROVED BY THE MINNESOTA BOARD OF PSYCHOLOGY FOR (NUMBER) CONTINUING EDUCATION HOURS." Materials advertising activities that have not been approved may not include such a statement or otherwise imply board approval.

Subp. 3. [Repealed, 37 SR 1085]

Subp. 4. [Repealed, 37 SR 1085]

Subp. 5. [Repealed, 37 SR 1085]

Subp. 6. [Repealed, 37 SR 1085]

Statutory Authority: *MS s 148.905; 148.911; 148.98*

History: *17 SR 2285; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3840 [Repealed, 37 SR 1085]

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7200.3845 AUTOMATIC APPROVAL.

Any activity approved for continuing education credit by the American Psychological Association (APA), the Association of State and Provincial Psychology Boards (ASPPB), or other national professional organization as determined by the board, shall automatically be approved for continuing education credit without further application by the sponsor or licensee.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3850 DOCUMENTATION AND REPORTING COMPLIANCE.

Subpart 1. **Renewal requirements.** Every two years, when the licensee applies for renewal of the license, the licensee must complete and submit an affidavit of continuing education compliance showing that the licensee has completed a minimum of 40 approved continuing education hours since the last renewal. The licensee's renewal application shall be deemed incomplete and void upon failure to submit the affidavit when required.

Subp. 2. **Record retention.** All licensees shall retain original documentation of attendance and completion of continuing education hours for a period of eight years after the renewal date.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3860 CONTINUING EDUCATION AUDIT.

The board shall randomly audit a percentage of renewing licensees each month for compliance with continuing education requirements.

A. During the first ten days of the month following the renewal date, the board shall send a notice to the licensee that the licensee has been selected for an audit of continuing education hours. The notice shall include the reporting period selected for audit.

B. Selected licensees shall submit copies of the original documentation of continuing education hours completed during the reporting period. Upon specific request, the licensee shall submit original documentation. Failure to submit required documentation shall result in the renewal application being considered incomplete and void and constitute grounds for termination for nonrenewal of the license and disciplinary action.

C. The continuing education list must include the names of the sponsors, the dates and titles of the activity, the number of hours credited, and supportive documentation. A license renewal certificate shall not be issued unless the licensee has demonstrated that the requirements in parts 7200.3820 to 7200.3830 have been met.

D. If the licensee fails to meet the continuing education requirements by the renewal date, the license renewal is deemed late and the licensee will not be permitted to renew electronically. The renewal application must then be submitted in writing along with all documentation, renewal fee, and renewal late fee. The licensee may request a time-limited variance to fulfill the continuing education requirements after the renewal date. The variance request must meet the requirements of part 7200.6000, subpart 1, and must include a written plan listing the activities including the dates and the number of hours for each activity offered to meet the requirement. Continuing education activities completed after the renewal date pursuant to the written plan shall count toward meeting only the requirements of the previous renewal period. A variance granted under this part expires six months after the renewal date.

E. A provider who has submitted a request for a time-limited variance for continuing education requirements according to item D, or whose continuing education is under review by the board, may continue to practice until the board has taken action on the variance request, or the review is complete.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.3900 [Repealed, 17 SR 2285]

Published Electronically: *January 31, 2013*

RULES OF CONDUCT

7200.4500 RULES OF CONDUCT.

Subpart 1. **Scope.** The rules of conduct required by Minnesota Statutes, section 148.98, apply to the conduct of all providers, including conduct during the period of education, training, and employment that is required for licensure.

Subp. 2. **Purpose.** The rules of conduct constitute the standards by which the professional conduct of the provider is measured.

Subp. 3. **Violations.** A violation of the rules of conduct is a sufficient reason for disciplinary action, corrective action, or denial of licensure.

Subp. 4. [Repealed, 37 SR 1085]

Subp. 5. **Conflicts between rules and organizational demands.** If the organizational requirements at the provider's work setting conflict with the rules of conduct, the provider shall clarify to the employer the nature of the conflict, make known the requirement to comply with the rules of conduct, and resolve the conflict in a manner that results in compliance with the rules of conduct.

Statutory Authority: *MS s 148.90; 148.905; 148.98*

History: *17 SR 2285; 37 SR 1085*

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7200.4600 COMPETENT PROVISION OF SERVICES.

Subpart 1 **Competent practice.** Providers shall limit practice to the services that they can provide competently as defined in part 7200.0110, subpart 5.

Subp. 2. [Repealed, 37 SR 1085]

Subp. 2a. [Repealed, 37 SR 1085]

Subp. 3. [Repealed, 37 SR 1085]

Subp. 3a. **Developing new services.** While the provider is developing a new service, the provider shall obtain professional education, training, continuing education, consultation, supervision, experience, or a combination thereof necessary to ensure that the service is provided competently. If a complaint is submitted alleging a violation of this subpart, the provider has the burden of proof to demonstrate that the provider took the necessary steps to ensure the competent provision of services during the period of development.

Subp. 4. [Repealed, 37 SR 1085]

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4700 PROTECTING THE PRIVACY OF CLIENTS.

Subpart 1. **Safeguarding private information.** The provider shall safeguard the private information obtained in the course of the practice of psychology. Private information may be disclosed to others only according to part 7200.4710 and with the exceptions in subparts 2 to 13.

Subp. 2. **Limited disclosure to others without consent.** Private information may be disclosed without the 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, including the provider. In such case the private information is to be disclosed only to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties in a position to prevent or avert the harm.

Subp. 3. **Services to multiple clients.** Whenever psychological services are provided to multiple clients, the provider shall initially inform each client of the provider's responsibility to treat any information gained in the course of rendering the services as private information, including any limitations to each client's right to privacy.

Subp. 3a. **Obtaining collateral information.** Prior to obtaining collateral information about a client from other individuals, the provider shall inform the other individuals that the information obtained may become part of the client's records and may be accessed or released by the client, unless prohibited by law. A provider is not required to give prior informed consent to other individuals when those individuals are credentialed health care providers acting in their professional capacities.

Subp. 4. **Minor clients.** At the beginning of a professional relationship, the provider shall inform a minor client, to the extent that the client can understand, that the law imposes limitations on the right of privacy of the minor with respect to the minor's communications with the provider.

Subp. 5. **Limited access to client records.** The provider shall limit access to client records. The provider shall make reasonable efforts to inform, or cause to be informed, individuals associated with the provider's agency or facility, such as staff members, students, volunteers, or community aides, that access to client records shall be limited only to the provider with whom the client has a professional relationship, individuals associated with the agency or facility whose duties require access, and individuals authorized to have access by the written informed consent of the client.

Subp. 6. [Repealed, 37 SR 1085]

Subp. 7. **Case reports.** All client information used in teaching, presentations, professional meetings, or publications shall be disguised to prevent identification of the client unless the provider has obtained a signed release of information.

Subp. 8. **Observation and recording.** Diagnostic interviews or therapeutic sessions with a client may be observed or electronically recorded only with written informed consent, except as otherwise provided by law or court order.

Subp. 9. **Continued privacy of client information.** The provider shall continue to maintain the privacy of client information, including the records of a client, after the professional relationship between the provider and the client has ceased.

Subp. 10. **Court-ordered or other mandated disclosures.** The proper disclosure of private information upon a court order or to conform with state or federal law, rule, or regulation shall not be considered a violation of the Psychology Practice Act.

Subp. 11. **Abuse or neglect of minors or vulnerable adults.** In the course of professional practice, the provider shall comply with all laws concerning the reporting of abuse or neglect of minors or vulnerable adults.

Subp. 12. [Repealed, 37 SR 1085]

Subp. 13. **Communication to initiate services.** When the provider is initially contacted to establish psychological services to a potential client, the provider or another individual designated by the provider may, with oral consent from the potential client, contact third-party payers or guarantors to determine payment or benefits information or to arrange for precertification of services when required by the individual's health plan.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

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7200.4710 ACCESSING AND RELEASING PRIVATE INFORMATION.

Subpart 1. **Right to access and release private information.** A client has the right to access and consent to release of private information maintained by the provider, including client records as provided in Minnesota Statutes, sections 144.291 to 144.298, relating to the provider's psychological services to that client, except as otherwise provided by law or court order.

Subp. 2. **Release of private information.** When a client initiates a request for the release of private information, the provider shall comply with Minnesota Statutes, sections 144.291 to 144.298. However, if the provider initiates the release of private information to a third party, a written authorization for release of information must be obtained that minimally includes:

- A. the name of the client;
- B. the name of the individual or entity providing the information;
- C. the name of the individual or entity to which release is to be made;
- D. the specific information to be released;
- E. the purpose of the release, such as whether the release is to coordinate professional care with another provider, to obtain insurance payments for services, or for other specified purposes;
- F. the time period covered by the release;
- G. a statement that the release is valid for one year, except as otherwise allowed by law, or for a period that is specified in the release;
- H. a declaration that the individual signing the statement has been told of and understands the nature and purpose of the authorized release;
- I. a statement that the release may be rescinded, except to the extent that the release has already been acted upon;
- J. the signature of the client or the client's legally authorized representative, whose relationship to the client shall be stated; and
- K. the date on which the release is signed.

Subp. 3. **Multiple client records.** Whenever psychological services are provided to multiple psychotherapy clients, each client has a right to access only that part of the records that includes information provided directly by the client or authorized by the client to be part of the record, unless otherwise directed by law or court order. Upon a request by one client to access or release multiple client records, that part of the records that contains information that has not been provided directly or by authorization of the requesting client shall be redacted unless written authorization to disclose this information has been obtained from the other client. Alternatively, the provider may, at the beginning of the service, obtain written informed consent from the clients stating that each client has the right to access or authorize release of all information that is part of the record.

Subp. 4. **Board investigations.** The provider shall release to the board and its agents private information that the board and its agents consider to be germane to the investigation of all matters pending before the board that relate to its lawful regulation activities. Redacting identifying information of individuals in the record is not required when providing information to the board as part of a board investigation.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4720 INFORMED CONSENT.

Subpart 1. **Obtaining informed consent for services.** The provider shall obtain informed consent for services to a client, provided informed consent is not required for initial consultation to evaluate a client's need for services. The informed consent may be oral or written, except as provided in subpart 2. The informed consent shall include:

- A. the goals, purpose, and procedures of the proposed service;
 - B. a discussion of factors that may impact the duration of the service;
 - C. the applicable fee schedule;
 - D. the limits to the client's privacy;
 - E. the significant risks and benefits of the service;
 - F. information and uncertainty of benefits, if the proposed service, method, or procedure is of an experimental, emerging, or innovative nature;
 - G. where applicable, advisement to the client that the provider is developing a new service;
- and
- H. alternatives to the service, if any.

Subp. 2. **Written informed consent.** Written informed consent shall be required for forensic services, except as otherwise provided by law or court order, or as required by part 7200.4710, subpart 3.

Subp. 3. **Modification to service.** If the nature or purpose of a service changes substantially, it is necessary to obtain informed consent again.

Subp. 4. **Emergency or crisis services.** When emergency or crisis services are provided, the provider shall not be required to obtain informed consent. If services continue after the emergency or crisis has abated, informed consent shall then be obtained.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4740 TERMINATION OF SERVICES.

Subpart 1. **Right to terminate services.** Either the provider or client may terminate professional services unless prohibited by law or court order.

Subp. 2. **Mandatory termination of services.** The provider shall promptly terminate services to a client, except as otherwise provided by law or court order, whenever:

- A. the provider's objectivity or effectiveness is impaired, unless a resolution can be achieved as permitted in part 7200.4810; or
- B. the client is unlikely to benefit from continued professional services by the provider.

Subp. 3. **Notification of termination.** Whenever the provider initiates a termination of professional services, the provider shall promptly inform the client in a manner that minimizes harm. This requirement shall not apply when the termination is due to the successful completion of a predefined service such as an assessment or time-limited therapy.

Subp. 4. **Recommendation upon termination.** Upon the termination of psychological services, the provider shall:

- A. offer to make a recommendation to the client for appropriate mental health services whenever the provider believes they are needed by the client; or
- B. provide such a recommendation upon the request of the client.

Subp. 5. **Exception to required recommendation.** The requirements of subpart 4 shall not apply whenever an assessment of an individual for a third party is conducted in which a recommendation for mental health services is not part of the requested service.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4750 RECORD KEEPING.

Subpart 1. **Record-keeping requirements.** Providers shall maintain accurate and legible records of their services for each client. Records shall minimally contain:

- A. client personal data;
- B. an accurate chronological listing of all client visits, fees charged to the client or a third-party payer, and payments received;
- C. documentation of services, including, where applicable:
 - (1) assessment methods, data, and reports;
 - (2) an initial treatment plan and any subsequent revisions;
 - (3) the name of the individual providing the services;
 - (4) case notes for each date of service, including any interventions;
 - (5) consultations with collateral sources;
 - (6) diagnoses or problem descriptions;
 - (7) documentation that informed consent for services was given, including written informed consent documents, where applicable;
 - (8) documentation of supervision or consultation received; and
 - (9) the name of the individual who is clinically responsible for the services provided;
- D. copies of all correspondence relating to the client; and
- E. copies of all client authorizations for release of information and any other documents pertaining to the client.

Subp. 2. **Duplicate records.** The provider need not maintain client records that duplicate those maintained by the agency, clinic, or other facility at which services are provided.

Subp. 3. **Records retention.** The provider shall retain a client's records for a minimum of eight years after the date of the provider's last professional service to the client, except as otherwise provided by

law. If the client is a minor, the records retention period shall not commence until the client reaches the age of 18, except as otherwise provided by law.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4800 [Repealed, 14 SR 74]

Published Electronically: *January 31, 2013*

7200.4810 IMPAIRED OBJECTIVITY OR EFFECTIVENESS.

Subpart 1. **Situations involving impaired objectivity or effectiveness.** Items A to F involve impaired objectivity or effectiveness and are prohibited as specified.

A. The provider shall not provide psychological services to a client if doing so would create a multiple relationship. If an unforeseen multiple relationship arises after services have been initiated, the provider shall promptly terminate the professional relationship. This item shall not apply if the psychological services involve teaching or research, if such a relationship cannot reasonably be avoided.

B. The provider shall not provide to a client psychotherapy or assessment services and concurrently either supervision or teaching. If an unforeseen situation arises in which both types of services are required or requested by the client or a third party, the provider shall decline to provide one or both of the services.

C. The provider shall not provide concurrently to a client two or more types of psychological services in which a fundamental conflict arises between the psychological services. If the conflict cannot be resolved in the manner required in subpart 2a, the provider shall decline to provide one or more of the services that give rise to the conflict.

D. The provider shall not provide psychotherapy services to multiple clients whose psychotherapy goals are fundamentally irreconcilable. If this situation arises after services have been initiated, the provider shall promptly terminate services to one or both clients.

E. The provider shall not provide psychological services to a client when the provider is biased for or against the client for any reason that interferes with the provider's impartial judgment, except if the provider is resolving the impairment in the manner required in subpart 2a.

F. The provider shall not provide services to a client when there is a fundamental divergence or conflict of service goals, interests, values, or attitudes between the client and the provider that adversely affects the professional relationship, except if the provider is resolving the impairment in the manner required in subpart 2a.

Subp. 2. [Repealed, 37 SR 1085]

Subp. 2a. **Resolution of impaired objectivity or effectiveness.** When an impairment occurs that is listed in subpart 1, item C, E, or F, the provider may provide services only if the provider actively pursues a resolution of the impairment and is able to do so in a manner that minimizes the potential for adverse effects on the client or potential client. If the provider attempts to resolve the impairment, it shall be by means of relevant professional education, training, study, continuing education, consultation, psychotherapy,

intervention, supervision, or discussion with the client or potential client, or an appropriate combination thereof. If resolution of the impairment is not possible, the provider shall terminate services.

Subp. 3. **Termination of services due to impaired objectivity or effectiveness.** Termination of services required by subpart 2a must conform with the requirements of part 7200.4740.

Subp. 4. **Burden of proof.** If a complaint is submitted to the board alleging a violation of this part, the provider has the burden of proof to demonstrate that there was no impaired objectivity or effectiveness or that the provider was compliant with subpart 2a.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4850 PROVIDER IMPAIRMENT.

The provider shall not offer psychological services to clients when the provider is unable to offer such services with reasonable skill and safety as a result of a physical or mental illness or condition, including, but not limited to, substance abuse or dependence.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4900 [Repealed, 37 SR 1085]

Published Electronically: *January 31, 2013*

7200.4905 CLIENT WELFARE.

Subpart 1. **Bill of rights.** The provider shall display prominently on the premises of the professional practice or make available as a handout the bill of rights of clients which must include a statement that consumers of psychological services have the right:

- A. to expect that the provider has met the minimum qualifications of education, training, and experience required by state law for licensure;
- B. to examine public records maintained by the Board of Psychology that contain the credentials of the provider;
- C. to report complaints to the Board of Psychology;
- D. to be informed of the cost of professional services before receiving the services;
- E. to privacy as defined and limited by rule and law;
- F. to be free from being the object of unlawful discrimination while receiving psychological services;
- G. to have access to their records as provided in Minnesota Statutes, sections 144.291 to 144.298, except as otherwise provided by law or a prior written agreement;
- H. to be free from exploitation for the benefit or advantage of the provider;

- I. to terminate services at any time, except as otherwise provided by law or court order;
- J. to know the intended recipients of psychological assessment results;
- K. to withdraw consent to release assessment results, unless that right is prohibited by law or court order or is waived by prior written agreement;
- L. to a nontechnical description of assessment procedures; and
- M. to a nontechnical explanation and interpretation of assessment results, unless that right is prohibited by law or court order or is waived by prior written agreement. The handout must include the Board of Psychology's current mailing address, Web site address, and telephone number.

Subp. 2. **Stereotyping.** The provider shall consider the client as an individual and shall not impose on the client any stereotypes of behavior, values, or roles related to human diversity.

Subp. 3. **Misusing client relationship.** The provider shall not misuse the relationship with a client due to a relationship with another individual or entity.

Subp. 4. **Prohibiting exploitation of client.** The provider shall not exploit in any manner the professional relationship with a client for the provider's emotional, financial, sexual, or personal advantage or benefit. This prohibition is extended indefinitely to former clients who are vulnerable or dependent on the provider. If a complaint is submitted to the board alleging violation of this subpart with respect to a former client, the provider has the burden of proof to demonstrate that the former client was not vulnerable or dependent.

Subp. 5. **Sexual behavior with client.** A provider shall not engage in any sexual behavior with a client, including:

- A. sexual contact with the client; or
- B. any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing to the client.

Subp. 6. **Sexual behavior with former client.** The prohibitions against sexual behavior with clients established in subpart 5 also apply to former clients for a period of two years following the date of the last psychological service, whether or not the provider has formally terminated the professional relationship. This prohibition is extended indefinitely for a former client who is vulnerable or dependent on the provider. If a complaint is submitted to the board alleging a violation of this subpart with respect to a former client, the provider has the burden of proof to demonstrate that the former client was not vulnerable or dependent.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4910 WELFARE OF STUDENTS, SUPERVISEES, AND RESEARCH SUBJECTS.

Subpart 1. **General.** Providers who teach, evaluate, supervise, or conduct research have authority over their students, supervisees, or research subjects, and must protect the welfare of these individuals.

Subp. 2. **Protections.** To protect the welfare of students, supervisees, or research subjects, providers shall not:

- A. impose any stereotypes of behavior, values, or roles related to race, ethnicity, national origin, religious affiliation, language, age, gender, physical disabilities, mental capabilities, sexual orientation or identity, or socioeconomic status;
- B. exploit or misuse in any manner the professional relationship for the emotional, financial, sexual, or personal advantage or benefit of the provider or another individual or entity;
- C. engage in any sexual behavior with a current supervisee, including sexual contact, as defined in part 7200.0110, subpart 28, or any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing;
- D. engage in any deceptive or fraudulent behavior;
- E. disclose evaluative information except for legitimate professional or scientific purposes; or
- F. engage in any other unprofessional conduct.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.4950 MEDICAL AND OTHER HEALTH CARE CONSIDERATIONS.

Subpart 1. **Coordinating services.** With authorization from the client, the provider shall coordinate services for the client with other health care professionals, consistent with the best interests of the client.

Subp. 2. **Medications.**

A. If competent to do so, providers may discuss prescription or nonprescription medications and their effects with a client or the client's physician or other prescribing health care provider, or in a report.

B. Providers shall make clear in medication discussions with a client or in a report or in other communications with other health care providers that the ultimate decision whether to prescribe, alter, or discontinue a medication lies solely with a physician or other prescribing health care provider.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5000 [Repealed, 37 SR 1085]

Published Electronically: *January 31, 2013*

7200.5010 CONCLUSIONS AND REPORTS.

Subpart 1. **Bases for assessments.** An assessment process must be appropriate and sufficient for the purposes for which it is intended.

Subp. 2. **Bases for conclusions.** Providers shall base their conclusions on information and procedures sufficient to substantiate those conclusions.

Subp. 3. **Administration and interpretation of tests.** Providers shall use psychological tests as follows:

- A. standardized tests shall be used preferentially over nonstandardized tests;
- B. all tests shall be administered and responses shall be recorded, scored, and interpreted based on practice or scientific foundations;
- C. whether a test is used in a nonstandard manner, the limitations of the test and the reasons for its nonstandard use shall be clearly stated in the report;
- D. a test's reliability, validity, and normative data shall be taken into account in its selection, use, and interpretation; and
- E. the reliability and validity of test statements and interpretations in reports shall be the responsibility of the provider, including when automated testing services are used.

Subp. 4. **Reports.** Reports shall include:

- A. a description of all sources of information upon which the provider's conclusions are based;
- B. any reservations or qualifications concerning the validity or reliability of the opinions and conclusions formulated and recommendations made, taking into account the conditions under which the procedures were carried out, including any nonstandard use of a test, the limitations of scientific procedures and psychological descriptions, base rate and baseline considerations, and the impossibility of absolute predictions;
- C. a statement concerning any discrepancy, disagreement, or inconsistent or conflicting information regarding the circumstances of the case that may have a bearing on the provider's conclusions;
- D. a statement of the nature of and reasons for any use of a procedure that differs from the purposes, populations, or referral questions for which it has been designed or validated, or that is administered, recorded, scored, or interpreted in other than a standard and objective manner; and
- E. a statement indicating if any test interpretations or report conclusions are not based on direct contact between the provider and the client.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5100 PUBLIC STATEMENTS.

Subpart 1. **Prohibition against false or misleading information.** Public statements by providers shall not include false or misleading information. False or misleading information means any public statement that contains a material misrepresentation or omission of fact. The provider shall make reasonable efforts to ensure that public statements by others on behalf of the provider are truthful and shall make reasonable remedial efforts to bring a public statement into compliance with this part when the provider becomes aware of a violation.

Subp. 2. **Misrepresentation.** The provider shall not misrepresent directly or by implication professional qualifications including education, training, experience, competence, credentials, certification by a specialty board, or areas of specialization. The provider shall not misrepresent, directly or by implication, professional affiliations or the purposes and characteristics of institutions and organizations with which the provider is professionally associated.

Subp. 3. **Limit on use of degree.** An applicant for licensure or a provider 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 shall not use the term "Doctor," "Ph.D.," "Psy.D.," or "Ed.D." with the provider's name in any situation or circumstance involving the practice of psychology.

Subp. 4. **Testimonials.** Providers shall not solicit or use testimonials by quotation or implication from current clients or from former clients who are vulnerable to undue influence.

Subp. 5. **Use of specialty board designations.** Providers may represent themselves as having an area of specialization from a specialty board, such as a designation as diplomate or fellow, if the specialty board used at minimum the following criteria to award the designation and the provider minimally meets the following four criteria:

- A. specified educational requirements defined by the specialty board;
- B. specified experience requirements defined by the specialty board;
- C. a work product evaluated by other specialty board members; and
- D. an in-person examination by a committee of specialty board members or a comprehensive written examination in the area of specialization.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5200 FEES AND STATEMENTS.

Subpart 1. **Disclosure of fees.** The provider shall disclose the fees for professional services to a client before providing the services.

Subp. 2. **Itemized fee statement.** Upon request, the provider shall itemize fees for all services for which the client or a third party is billed. The statement shall identify minimally the date on which the service was provided, the nature of the service, and the name of the individual providing the service.

Subp. 3. **Representation of billed services.** The provider shall not directly or by implication misrepresent to the client or to a third party billed for services the nature of the services or the extent to which the provider has provided the services.

Subp. 4. **Claiming fees.** The provider shall not claim a fee for psychological services unless the provider is either the direct provider of the services or the individual who is clinically responsible for the provision of the services.

Subp. 5. [Repealed, 37 SR 1085]

Subp. 6. [Repealed, 14 SR 74]

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5300 AIDING AND ABETTING UNLICENSED PRACTICE.

The provider shall not aid or abet:

- A. an unlicensed individual engaging in the practice of psychology; or
- B. an applicant or student in engaging in the independent practice of psychology. However, a licensed psychologist who supervises an individual preparing for licensure by the board is not in violation of this part if the supervision is conducted according to the Psychology Practice Act. Properly qualified individuals who administer and score psychological instruments under the direction of a licensee who maintains responsibility for the service are not considered to be in violation of this part. The licensee assumes responsibility for adequate training, experience, and oversight to ensure proper qualifications to administer and score the instruments.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5400 [Repealed, 37 SR 1085]

Published Electronically: *January 31, 2013*

7200.5500 VIOLATION OF LAW.

The provider shall not violate any law in which the facts giving rise to the violation involve the practice of psychology as defined in the Psychology Practice Act.

In any board proceeding alleging a violation of this rule the proof of a conviction of a crime shall constitute proof of the underlying factual elements necessarily underlying that conviction.

Statutory Authority: *MS s 148.90; 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5600 DECEPTION OR FRAUD.

The provider shall not engage in any conduct likely to deceive or defraud the public or the board.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5700 UNPROFESSIONAL CONDUCT.

The provider shall not engage in any unprofessional conduct.

Statutory Authority: *MS s 148.90; 148.905; 148.98; 214.06*

History: *14 SR 74; 37 SR 1085*

Published Electronically: *January 31, 2013*

7200.5750 COMPLAINTS TO BOARD.

Subpart 1. **Mandatory reporting requirements.** The provider shall file a complaint with the board when the provider has reason to believe that another provider:

A. is unable to practice with reasonable skill and safety as a result of a physical or mental illness or condition, including but not limited to substance abuse or dependence, except that this mandated reporting requirement is deemed fulfilled by a report made to the health professionals services program (HPSP) under Minnesota Statutes, section 214.33, subdivision 1;

B. is engaging in or has engaged in sexual behavior with a client or former client in violation of part 7200.4905, subpart 5, unless the information is obtained in the course of treating the other provider for the sexual behavior;

C. has failed to report abuse or neglect of minors or vulnerable adults in violation of part 7200.4700, subpart 11; or

D. has employed fraud or deception in obtaining or renewing a psychology license.

Subp. 2. **Communicating complaints to board.** A provider who knows or has reason to believe that the conduct of another provider is in violation of the Psychology Practice Act other than conduct listed in subpart 1 may file a complaint with the board.

Subp. 3. **Right to file complaint.** A provider shall not attempt to induce a client or another individual, either by request or other means, to waive the right to file a complaint with the board.

Statutory Authority: *MS s 148.905; 148.98*

History: *37 SR 1085*

Published Electronically: *January 31, 2013*

WAIVERS AND FEES**7200.6000 WAIVERS AND VARIANCES.**

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

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

B. the granting of a waiver or variance will not adversely affect the public welfare; and

C. in the case of a variance, the rationale for the rule in question can be met by alternative practices or measures specified by the petitioner.

Subp. 2. **Renewal, reporting, and revocation.** A waiver or variance 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 or variance shall immediately notify the board in writing of any material change in the circumstances which justify its granting. A waiver or variance shall be revoked if a material change in the circumstances which justify its granting occurs or, in the case of a variance, if the petitioner has not complied with the alternative practices or measures specified in the petition.

Subp. 3. [Repealed, 17 SR 2285]

Subp. 4. [Repealed, 17 SR 2285]

Subp. 5. [Repealed, 17 SR 2285]

Subp. 6. **Burden of proof.** The burden of proof is upon the petitioner to demonstrate to the board that the requirements in subpart 1 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; 148.905; 148.98; 214.06*

History: *14 SR 74; 17 SR 2285*

Published Electronically: *January 31, 2013*

7200.6100 FEES.

The nonrefundable fees for licensure payable to the board are as follows:

- A. application for admission to national standardized examination, \$150;
- B. application for professional responsibility examination, \$150;
- C. application for licensure as a licensed psychologist, \$500;
- D. renewal of license for a licensed psychologist, \$500;
- E. late renewal of license for a licensed psychologist, \$250;
- F. application for converting from master's to doctoral level licensure, \$150; and
- G. application for guest licensure, \$150.

Statutory Authority: *MS s 148.90; 148.905; 148.91; 148.98; 214.06*

History: *10 SR 1266; 12 SR 2789; 14 SR 2988; 15 SR 1542; 17 SR 2285; 21 SR 559; 25 SR 1894; 37 SR 1085*

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7200.6105 CONTINUING EDUCATION SPONSOR FEE.

A sponsor applying for approval of a continuing education activity pursuant to part 7200.3830, subpart 2, shall submit with the application a fee of \$80 for each activity.

Statutory Authority: *MS s 148.905; 214.06*

History: *21 SR 979; 25 SR 1894*

Published Electronically: *January 31, 2013*

7200.6150 [Repealed, 21 SR 559]

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7200.6160 [Repealed, 21 SR 559]

Published Electronically: *January 31, 2013*

7200.6170 [Repealed, 25 SR 1894]

Published Electronically: *January 31, 2013*

7200.6175 [Repealed, 37 SR 1085]

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