

CHAPTER 148

PUBLIC HEALTH OCCUPATIONS, LICENSING

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148.03 APPOINTMENT.

The governor shall appoint a board of chiropractic examiners consisting of two public members as defined by section 214.02 and five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no more than two of whom shall be graduates of the same school or college of chiropractic. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214. The board shall have the authority to prescribe rules relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled by the governor within 60 days. No member of the board shall be financially interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

History: 1991 c 199 art 1 s 41

148.31 LICENSES.

A person desiring to practice midwifery in this state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. This license shall be granted upon the production of a diploma from a school of midwifery recognized by the board, or after examination of the applicant and compliance with other requirements that the board may reasonably impose for the protection of the public. The board is authorized to adopt rules as may be necessary to carry out the purposes of sections 148.30 to 148.32. The board may delegate to another unit of state government with that unit's consent, all or part of a study to determine the appropriate level of regulation of midwives and the content for any administrative rule deemed appropriate by the board.

History: 1991 c 106 s 5

148.52 BOARD OF OPTOMETRY.

The board of optometry shall consist of two public members as defined by section 214.02 and five qualified optometrists appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

History: 1991 c 199 art 1 s 42

148.88 CITATION.

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

History: 1991 c 255 s 3

148.881 DECLARATION OF POLICY.

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

History: 1991 c 255 s 4

148.89 DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of sections 148.88 to 148.98, the following terms have the meanings given them.

Subd. 2. **Board of psychology or board.** "Board of psychology" or "board" means the board established under section 148.90.

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

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

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

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

(2) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and diagnosis and treatment of:

(i) mental and emotional disorder or disability;

(ii) alcoholism and substance abuse;

(iii) disorders of habit or conduct; and

(iv) the psychological aspects of physical illness, accident, injury, or disability; and

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

Subd. 6. **Psychologist.** "Psychologist" means a person who makes a representation of being a psychologist by:

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

(2) representing that the person has expert qualification in any area of psychology.

Subd. 7. **Supervised psychological employment.** "Supervised psychological employment" means paid or volunteer work experience and postdegree training of a person seeking to be licensed as a licensed psychologist that involves the direct professional oversight of a licensed psychologist and satisfies the supervision requirements in section 148.925.

Subd. 8. **Supervision.** "Supervision" means:

(1) face-to-face documented consultation between a supervising licensed psychol-

ogist and a psychological practitioner under the conditions specified in section 148.925; or

(2) documented consultation between an applicant for licensure as a licensed psychologist and either a supervising licensed psychologist or a person designated by the supervising licensed psychologist, under the conditions specified in section 148.925.

History: 1991 c 255 s 5

148.90 BOARD OF PSYCHOLOGY.

Subdivision 1. Board of psychology. (a) The board of psychology is created with the powers and duties described in this section. The board has 11 members who consist of:

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

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

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

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

(5) three public members.

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

(c) After the date on which fewer than 15 percent of the persons licensed by the board as licensed psychologists qualify for licensure under section 148.921, subdivision 2, the first vacancy under paragraph (a), clause (2), for a person licensed as a licensed psychologist with a master's degree in psychology must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology. From this date on, this position when vacant must be filled by a person licensed as a licensed psychologist who has a doctoral degree in psychology.

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

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

(1) be appointed by the governor;

(2) be residents of the state;

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

(4) designate the officers of the board; and

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

(b) A public member of the board shall broadly represent the public interest and shall not:

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

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

(3) be a member of another health profession;

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

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

Subd. 3. Terms; compensation; removal of members. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal

year and reporting requirements shall be as provided in chapter 214. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other activities relating to board operations shall be conducted according to chapter 214.

History: 1991 c 199 art 1 s 43; 1991 c 255 s 6

148.905 DUTIES OF THE BOARD.

Subdivision 1. **General.** The board shall:

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

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

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

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

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

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

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

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

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

(10) establish and implement, by January 1, 1992, a process for certifying psychologists' competencies in specialty areas, including but not limited to the area of supervision. The process shall include steps to verify that a psychologist has had adequate education and experience in a specialty area to be considered competent to practice in that area. Recertification of competencies declared prior to August 1, 1991, shall not be required.

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

History: 1991 c 255 s 7

148.91 REQUIREMENTS OF LICENSES.

Subdivision 1. **Levels of practice.** The board may grant licenses for levels of psychological practice to be known as (1) licensed psychologist and (2) psychological practitioner.

Subd. 2. **Testing required.** Before granting a license, the board shall require an applicant to pass a skills assessment and an examination in psychology. A different skills assessment and examination may be required of applicants for each of the levels of practice enumerated in subdivision 1. The examinations shall be given at least once a year, at a time and place and under supervision the board may prescribe.

Subd. 3. **Fee; term of license.** An applicant shall pay a nonrefundable application fee set by the board. The licenses granted by the board shall be for a period of three years and shall be renewed on a three-year basis. The fee for a license and for renewal shall be set by the board.

Subd. 4. **Age and ethical requirements.** To become licensed, an applicant must have attained the age of majority, be of good moral character, and not have engaged in unethical practices as defined in the code of ethics the board adopts.

Subd. 5. **Educational requirements for licensed psychologist.** To become a licensed psychologist, a person must comply with the requirements of subdivisions 2 to 4 and must have:

(1) received a doctorate degree with a major in psychology from an educational institution meeting the standards the board has established by rule; and

(2) completed at least two full years or their equivalent of postdoctoral supervised psychological employment.

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

History: 1991 c 255 s 8

148.911 CONTINUING EDUCATION.

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

History: 1991 c 255 s 9

148.92 [Repealed, 1991 c 255 s 20]

148.921 WAIVERS.

Subdivision 1. **Persons previously licensed.** A person licensed in this state as a licensed consulting psychologist or a licensed psychologist on August 1, 1991, qualifies for licensure as a licensed psychologist, as defined in section 148.91, at the time of license renewal.

Subd. 2. **Persons previously qualified.** The board shall grant a license for a licensed psychologist without further examination to a person who:

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

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

(3) complied with all requirements of section 148.91, subdivisions 2 to 4, before December 31, 1997; and

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

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

History: 1991 c 255 s 10

148.925 SUPERVISION.

Subdivision 1. **Persons qualified to provide supervision.** (a) The following persons are qualified to provide supervision for master's degree level applicants for licensure as a licensed psychologist:

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

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

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

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

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

(ii) who was licensed by the board as a psychologist before August 1, 1991, and is certified by the board as competent in supervision of applicants for licensure in accord with section 148.905, subdivision 1, clause (10), by August 1, 1993.

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

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

History: 1991 c 255 s 11

148.93 LIMITATION.

Subdivision 1. **Fee splitting prohibited.** It is unlawful for a licensee to divide fees with any other person unless the licensee receives a payment in proportion to the services provided and the responsibility assumed by each professional and the licensee has disclosed the terms of the division.

Subd. 2. **Requirements for independent practice.** After August 1, 1991, no person shall engage in the independent practice of psychology unless that person is licensed as a licensed psychologist.

Subd. 3. **Requirements for psychological practitioners.** A psychological practitioner shall practice only under supervision that satisfies the requirements of section 148.925 and while employed by either a licensed psychologist or a health care or social service agency which employs or contracts with a supervising licensed psychologist who shares clinical responsibility for the care provided by the psychological practitioner.

Subd. 4. **Waiver.** (a) The board shall grant a waiver from the supervision requirements of section 148.925 to a psychological practitioner who presents evidence of:

(1) completion of two full years or their equivalent of supervised post-master's degree employment, meeting the requirements of section 148.925;

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

(3) employment by a hospital or by a community mental health center or nonprofit

mental health clinic or social service agency providing services as a part of the mental health service plan required by the comprehensive mental health act;

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

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

(b) From August 1, 1991, until December 31, 1993, the supervision requirements of section 148.925 must be deemed by the board to be waived for a person who has submitted a request for a waiver under paragraph (a) from the time the person submits the request for a waiver until the board has:

(1) reviewed the waiver request;

(2) given the applicant a reasonable opportunity to furnish additional or supplementary information required by the board; and

(3) either granted the waiver or denied the request for a waiver.

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

History: 1991 c 255 s 12

148.95 SUSPENSION AND REVOCATION.

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

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

History: 1991 c 255 s 13

148.96 PRESENTATION TO PUBLIC.

Subdivision 1. Requirements for advertising. All psychologists and psychological practitioners, when representing themselves to the public through written materials or advertising, must use their academic degree as well as their license status in the advertising or written materials.

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

Subd. 3. Requirements for representations to the public. Individuals shall not present themselves or permit themselves to be presented to the public as psychologists unless they are licensed under sections 148.88 to 148.98, except as provided in paragraphs (a) to (c).

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

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

(c) A person preparing for the profession of psychologist under qualified supervision in recognized training institutions or facilities may be designated as a "psychologi-

cal intern," "psychological trainee," or by other terms clearly describing the person's training status.

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

History: 1991 c 255 s 14

148.97 PENALTIES.

Subdivision 1. Any person who violates any provision of sections 148.88 to 148.97 is guilty of a misdemeanor.

[For text of subd 3, see M.S.1990]

Subd. 4. [Repealed, 1991 c 255 s 20]

[For text of subs 5 and 6, see M.S.1990]

History: 1991 c 255 s 15

148.98 CODE OF ETHICS.

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

(a) The psychologist shall recognize the boundaries of the psychologist's competence and the limitation of the psychologist's techniques and shall not offer services or use techniques that fail to meet usual and customary professional standards.

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

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

History: 1991 c 255 s 16