



*The Minnesota Board of Psychology protects
the public through licensure, regulation
and education to promote access to safe,
competent, and ethical psychological services.*

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January 18, 2017

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OBSOLETE RULES REPORT

Subject: Minnesota Board of Psychology Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5

Dear Governor Dayton, Senators, Representatives, Revisor Marinac, and Ms. Lincoln:

Minnesota Statutes, section 14.05, subdivision 5, directs the Minnesota Board of Psychology to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The Board offers its apologies for the late submission of this report and notes that this year the review of obsolete rules is significantly impacted by an ongoing effort to modify and improve the Psychology Practice Act's statutory components. As a result of this, the impact on what rules may become obsolete was fluid for a period of time, impacting our submission of the report. It was goal of the Executive Director to submit a complete review of all of the administrative rules that are obsolete or likely to be impacted within the next year.

The Minnesota Board of Psychology has reviewed its rules and finds that the following rules are obsolete, unnecessary, or otherwise duplicative of state statute:

7200.0550 EXAMINATION REQUIREMENTS FOR LICENSURE

Subp. 3, C. which states:

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 by the board office prior to processing the application;

Comment: The Board no longer issues licenses for individuals with an equivalent of a master's degree in a doctoral program. This rule is therefore obsolete.

7200.0600 REQUIREMENTS FOR LICENSURE

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).

Comment: The Board seeks to eliminate the requirement for endorsement/attestation by an endorser for licensure. This is not a requirement established in statute [Minn. Stat. 148.907], and is unnecessary given the board investigates and makes its own independent determination as to an applicant's fitness for the practice of psychology. Endorsement adds limited value to the Board's mission of public protection and is better addressed in the statutory requirements for licensure.

7200.0900 REQUIREMENTS FOR ENDORSEMENT

For 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.

Comment: Given the Board's decision to eliminate the endorsement requirement established in administrative rule this rule is unnecessary. The endorsement process adds unneeded delay to the licensure process and provides limited value.

7200.1300 EDUCATIONAL REQUIREMENTS FOR LICENSURE

Subpart 2. **Grandparenting provision.** Notwithstanding the provisions of subpart 1, the educational requirements 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).

Comment: This rule is obsolete by its own language. There are no longer individuals who would meet this “grandparenting” language requirement who would be eligible for licensure. The Board only licenses individuals at the doctoral level. This rule should be repealed as obsolete.

Subpart 5, (C)(2)

(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.

Comment: The rule is obsolete by its own language. There board does not license individuals at the master’s level or the master’s equivalent in a doctoral program. This rule should be repealed as obsolete.

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:

Comment: The language shown above as stricken is obsolete because the Board does not licensue individuals with a master’s degree in psychology or a master’s equivalent in a doctoral program in psychology. This portion of the rule should be modified as shown above.

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.

Comment: The language shown above as stricken is unnecessary and adds additional time to the licensure process. The language requires that the applicant submit the evidence of a

degree earned in a doctoral program properly accredited, however, accreditation by the American Psychological Association (APA) is easily verified by the Board using the APA website and other resources provided by the APA. APA accreditation is published and openly available. Requiring the applicant to take additional steps to secure a written letter from the institution (confirming the institutions/programs APA accreditation) or a written letter from APA adds an unnecessary step to the licensure process as well as unnecessary time delay to obtain the letter and transmit it to the Board. This portion of the rule should be modified as shown above.

7200.2000 SUPERVISED EMPLOYMENT REQUIREMENTS FOR LICENSURE AS A LICENSED PSYCHOLOGIST

Subpart 2., 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.

Comment: The above rule language identified as stricken and the new proposed language identified as underlined is unnecessary and overly complicated. The Board promulgated this rule in January of 2013, and there are unintended consequences of this rule which should be fixed. Specifically, this rule requires that an applicant for licensure receive 1 hour of regularly scheduled supervision per week up to 20 hours worked. However, when the applicant reaches 21 hours, they need an additional full hour of supervision. While 2 hours of supervision for full time employment is in accordance with national standards for postdoctoral supervised psychological employment (postdocs) preparing for licensure, the language as written then requires applicants who exceed the 40 hours in any given week to receive an additional 1 hour of supervision. This means that an applicant who works 40 hours per week is in compliance if they received 2 hours of supervision, while an applicant who works 41 hours per week is only in compliance if they receive 3 hours of supervision.

The value added by an additional hour of supervision for 10 hours worked is limited. Specifically a review of applications where applicants report working over 40 hours in a given week are usually due to additional time needed to edit a report, to attend training, to catch up on paperwork and/or administrative tasks. All work that counts toward the number of hours required for a postdoc (1,800), but not needing of a full additional hour of supervision.

Supervision is costly and limited in both the number of supervisors who provide supervision, but also by the amount of time any given supervisor has to commit to providing supervision. Balanced with the Board's mission of public protection and the burdens caused by requiring the additional "third" hour for applicants exceeding 40 hours of work in a given week, the Board advocates to repeal the language in the rule that requires additional supervision (the third hour) for applicants who exceed 40 hours in any given work week. The rule would then be clear that applicants who exceed 20 hours per week

need a second hour of supervision, but that two hours of supervision would meet the requirements of the Board for full time employment, not to exceed 50 hours per week.

Additionally, while it has not yet passed, there is a proposed bill for the 2017 legislative session which may render the majority of Minn. R. 7200.2000 as moot and replace the requirements for supervision with statutory language. The Board will continue to monitor the proposed statute, and should it pass and become law, the Board will need to repeal a majority of this administrative rule.

7200.3250 NOTIFYING BOARD OF ADDRESS CHANGE

Licensees and applicants shall designate to the board a public mailing address, telephone number, and e-mail address for all official board business communication. ~~for all board correspondence.~~—Licensees and applicants shall update the Board within 30 days of a change of this information. ~~shall notify the board in writing within 30 days of a change of mailing address.~~ Licensees shall also designate a public telephone number.

Comment: This portion of the rule is obsolete and does not align with current Board processes. The Board uses the statewide e-licensing database and applicants and licensees are required to login to their own accounts and update this information on their own electronically. The Board uses electronic means for its primary communication with applicants and licensees so a rule that requires a mailing address for “all board correspondence,” does not align with the Board’s current practice and the state of technology in the provision of Board services. Additionally the requirement for applicants and licensees to inform the “board in writing within 30 days of a change of mailing address,” is not what applicants and licensees are required to do under the new database process.

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.

Comment: The majority of the board’s renewals and/or applications are submitted online through the statewide e-licensing portal. The rule establishing when the renewal must be “received by the board or postmarked on or before the last day of the last month during which the license is valid,” is obsolete and should be updated to represent current board practices and the state of the technology used by the board for its services. The Board will need to consider appropriate language to propose to create a submission deadline for renewal that is applicable to both paper and online submissions. Once the Board has considered the appropriate remedy, the Board will need to progress through the rules promulgation process.

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.

Comment: This rule, like Minn. R. 7200.3400, also includes an outdated deadline for the submission of a renewal that establishes a “postmark,” as the deadline. This rule is obsolete in that it does not address the existing state of technology used by the Board.

7200.3830 ELIGIBLE CONTINUING EDUCATION ACTIVITIES

Subp. 1, F.

F. Developing ~~taped or computerized~~ materials based on scientific, practice, or professional standards foundation. ...

Comment: This portion of the rule is obsolete as it references materials developed by outdated forms of training for continuing education and outdated terms for how training is offered. The Board would need to consider and identify replacement language. Once the language is identified the Board will need to seek to modify this rule through the rules promulgation process.

7200.3860 CONTINUING EDUCATION AUDIT

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.

COMMENT: The line shown above regarding the mode of submission for late renewal applications is obsolete. It was written during a time when the Board’s database did not have the capacity or function to manage late submissions by applying the late fee. However, the Board has advanced in technology and this rule does not reflect how the Board processes late renewals. Rather, all renewal submissions, timely or late, are processed online through the database and late fee payments are also captured online.

7200.4700 PROTECTING THE PRIVACY OF CLIENTS

~~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 cases 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.~~

COMMENT: This rule is obsolete because Minnesota statute, modified in 2016, establishes the standard and terms of the disclosure of private information without the consent of the client (duty to warn) as follows:

Minn. Stat. 148.975 DUTY TO WARN; LIMITATION ON LIABILITY; VIOLENT BEHAVIOR OF PATIENT

(d) For purposes of this section, “licensee” includes practicum psychology students, predoctoral psychology interns, and individuals who have earned a doctoral degree in psychology and are in the process of completing their postdoctoral supervised psychological employment in order to qualify for licensure.

...

Subp. 2. Duty to warn. The duty to predict, warn of, or take reasonable precautions to provide protection from, violent behavior arises only when a client or other person has communicated to the licensee a specific, serious threat of physical violence against a specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty is discharged by the licensee if reasonable efforts, as defined in subdivision 1, paragraph (c), are made to communicate the threat.

7200.4810 WELFARE OF STUDENTS, SUPERVISEES AND RESEARCH SUBJECTS.

Comment: While this rule is not currently obsolete, dependent upon the 2017 legislative session and the success of a proposed bill to modify existing provisions of the Psychology Practice Act (statute), this provision in the administrative rule may become obsolete. The proposal seeks to move this language from administrative rule into a new statute to address supervisees. The Board will monitor the success of the proposed bill, and take action to repeal this rule should it be made obsolete in the 2017 Legislative session.

7200.4950 MEDICAL AND OTHER HEALTH CARE CONSIDERATIONS

Subpart 2. Medications.

Comment: While this rule is not currently obsolete, dependent upon the 2017 legislative session and the success of a proposed bill to modify existing provisions of the Psychology Practice Act, this provision in the administrative rule may become obsolete. The proposal seeks to establish a different standard for psychologists and the ability to discuss and engage other providers around medication needs of a client. The Board will monitor the

success of the proposed bill, and take action to repeal this rule should it be made obsolete in the 2017 legislative session.

7200.6100 FEES

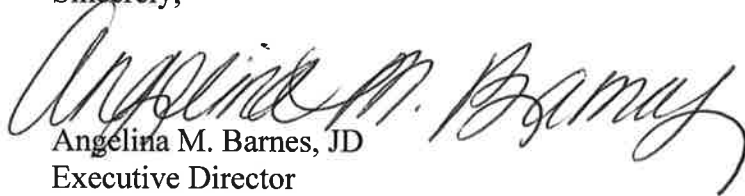
The nonrefundable fees for licensure payable to the board are as follows:

...

Comment: While this rule is not currently obsolete, dependent upon the 2017 legislative session and the success of a proposed bill to modify existing provisions of the Psychology Practice Act, this provision in the administrative rule may become obsolete. The proposal seeks to move all board fees throughout the statute and in administrative rule to statute and to clarify all fees. The Board will monitor the success of the proposed bill, and take action to repeal this rule should it be made obsolete in the 2017 legislative session.

Please let me know if I can provide further assistance.

Sincerely,



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