

File Number: H.F. 1282
Version: First engrossment

Date: March 2, 2017

Authors: Kiel

Subject: Psychologist Licensure Requirements

Analyst: Sarah Sunderman

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill, if passed, would make comprehensive changes to the provisions relating to the regulation of the practice of psychology.

Section

- 1 Declaration of policy.** Amends § 148.881. Specifies that the Board of Psychology regulates the practice of psychology through licensure, regulation, and education to promote access to quality, ethical psychological services. Designates sections 148.88 to 148.98 as the Minnesota Psychology Practice Act.
- 2 Definitions.** Amends § 148.89.
 - Subd. 2a.** Modifies “client” definition.
 - Subd. 2c.** Modifies “designated supervisor” definition.
 - Subd. 2d.** Adds definition of “direct services,” to mean the delivery of preventive, diagnostic assessment, or therapeutic intervention services to benefit a direct recipient client.
 - Subd 2e.** Adds definition of “full-time employment,” to mean a minimum of 35 hours per week.
 - Subd. 3a.** Adds definition of “jurisdiction,” to mean United States, United States territories, or Canadian provinces or territories.
 - Subd. 4.** Modifies “licensee” definition.
 - Subd. 4a.** Modifies “provider or provider of services” definition.

Section

Subd 4b. Modifies “primary supervisor” definition.

Subd 5. Modifies “practice of psychology” definition to include prediction of human behavior, evaluating, assessing, or predicting behavior, and applying psychological principles in legal settings.

Modifies the activities that constitute the practice of psychology.

Subd. 6. Adds definition of “telesupervision” to mean clinical supervision of psychological services through an audio/video format where the supervisor and supervisee are not in the same physical location.

3 Board of Psychology. Amends § 148.90, subd. 1. Modifies the composition of the Board of Psychology. Adds one member who is a licensed psychologist with a doctoral degree; requires both psychologists, not necessarily licensed, to have doctoral degrees representing different training programs in psychology; removes individually licensed or qualified to be a licensed psychologist.

4 Members. Amends § 148.90, subd. 2. Specifies that a public board member shall not be licensed by another health-related licensing board, the commissioner of health, or licensed in another jurisdiction.

5 General. Amends § 148.905, subd. 1. Removes “psychological practitioners” from those licensed. Adds requirements for the board to consider before adopting or implementing a new national licensing examination.

6 Effective date. Amends § 148.907, subd. 1. Removes August 1, 1991, date, adds exemption.

7 Requirements for licensure as a licensed psychologist. Amends § 148.907, subd. 2. Removes “nonrefundable” and specifies section according to which fees must be paid. Specifies that postdoctoral supervised employment must be completed between 12 and 60 months. Allows the board to grant a variance.

8 Exemptions to license requirement. Proposes coding for § 148.9075.

Subd. 1. General. Prohibits licensed health professionals or mental health practitioners from holding themselves out as licensed to practice psychology; specifies that they may perform the functions of their occupations.

Subd. 2. Business or industrial organization. Specifies that a business, organization, or agency may use psychological techniques for personnel or evaluation purposes. Prohibits these entities from selling, offering, or providing psychological services unless performed or supervised by a person licensed by the board.

Subd. 3. School psychologist. Permits the practice of school psychology within the scope of employment, with a license or certificate from the State Board of Teaching.

Subd. 4. Clergy or religious officials. Permits recognized religious officials to conduct counseling activities within the scope of their regular duties, if the official does not use the title of psychologist.

Section

Subd. 5. Teaching and research. Permits an educator in an accredited institution to teach and conduct research in psychology if the institution provides oversight and the educator is not providing direct clinical services.

Subd. 6. Psychologist in disaster or emergency relief. Permits a psychologist sent to Minnesota to respond to a disaster or emergency relief effort to practice in the state for less than 30 days, and the sponsoring organization can certify the psychologist's assignment. Permits the board to grant an extension.

Subd. 7. Psychological consultant. Specifies that a license from the board is not required for a licensed, certified, or registered nonresident serving as an expert witness, consultant, presenter, or educator on a limited basis.

Subd. 8. Students. Permits the practice of psychology for practicums, internships, and postdoctoral supervised employment. Requires student trainees and interns to use specified titles.

Subd. 9. Other professions. Clarifies that a person licensed under sections 148.88 to 148.98 may not engage in any other regulated profession, unless licensed or registered in that profession.

9 Licensure renewal. Proposes coding for § 148.9076.

Subd. 1. Renewal requirements. Lists materials a licensee must submit to the board for licensure renewal, including an application form, fee, affirmation of continuing education.

Subd. 2. Renewal deadline. Requires licensure renewal every two years. Specifies application submission requirements, notification of license expiration, consequences for failure to renew license.

10 Relicensure. Proposes coding for § 148.9077. Permits a former licensee to reapply to the board for licensure under the laws and rules in effect on the date of initial licensure.

11 Inactive license status. Proposes coding for § 148.9078.

Subd. 1. Election of inactive status. Allows a licensee in good standing not practicing in the state for one to three years to apply for inactive license status without penalty.

Subd. 2. Inactive status. Prohibits a licensee with inactive status to practice, attempt to or offer to practice, or advertise as authorized to practice psychology.

Subd. 3. Pending investigations and complaints. Prohibits a licensee with a pending complaint in any jurisdiction from applying for inactive status. Permits the board to revoke inactive status and investigate if the board receives a complaint.

Subd. 4. Duration of inactive status. Specifies that inactive status is for up to three years, after which the license will automatically expire.

Subd. 5. Reactivation. Allows for licensure reactivation during the three year period with an application, fee, and attestation of non-practice.

Subd. 6. Reactivation fee. Specifies fee for licensure reactivation.

Section

- 12 Application.** Amends § 148.9105, subd. 1. Removes psychological practitioner emeritus registration; changes fee for retired providers.
- 13 Documentation of status.** Amends § 148.9105, subd. 4. Removes psychological practitioner.
- 14 Representation to the public.** Amends § 148.9105, subd. 5. Removes psychological practitioner emeritus.
- 15 Reciprocity.** Amends § 148.915. Removes requirement for reciprocity application to be notarized; specifies fee.
- Removes requirement that an applicant for reciprocity has practiced for at least five consecutive years immediately prior to application.
- Broadens professional responsibility licensing exam designated by the board.
- 16 Generally.** Amends § 148.916, subd. 1. (a) Extends the amount of time an applicant for guest licensure must intend to practice in Minnesota, from seven days to 30 days.
- (b) Establishes eligibility requirements for guest licensure:
- (1) psychology license/registration/certification in another jurisdiction;
 - (2) doctoral degree in psychology from accredited institution;
 - (3) good moral character;
 - (4) no pending complaints or disciplinary actions;
 - (5) passage of professional responsibility exam; and
 - (6) fee.
- 17 Applicants for licensure.** Amends § 148.916, subd. 1a, guest licensure technical changes.
- 18 Fees.** Proposes coding for § 148.923. Establishes fees for licensure and application. Specifies that fees are nonrefundable and shall be deposited in the special revenue fund.
- 19 Supervision.** Amends § 148.924.
- Subd. 1. Supervision.** Modifies definition of “supervision;” specifies that supervision may include telesupervision.
- Subd. 2. Postdegree supervised psychological employment.** Specifies “psychological.”
- Subd. 3. Individuals qualified to provider supervision.** Removes master’s-level licensure supervision provisions, allowing for only doctoral applicants for licensure. Adds registration requirements for a licensed psychologist who wishes to serve as a primary supervisor, beginning January 1, 2018.
- Subd. 4.** Repeals subdivision 4.
- Subd. 5. Supervisory consultation for an applicant for licensure as a licensed psychologist.** Modifies the requirements for supervision of an applicant for psychologist licensure.

Section

Subd. 5a. Supervisor duties. Adds subdivision specifying responsibilities for primary supervisors. Lists prohibited supervisor conduct.

Subd. 6. Supervisee duties. Modifies duties for applicants preparing for licensure during postdegree supervised psychological employment.

Subd. 6a. Documentation. Adds subdivision requiring supervisors and supervisees to document supervision sessions as specified in the subdivision.

Subd. 7. Repeals subdivision 7.

- 20** **Requirements for representations to public.** Amends § 148.96, subd. 3. Adds “psychology fellow” to permitted designations. Removes reference to practice of school psychology.
- 21** **General requirements.** § 148B.53, subd. 1. Removes exception for licensed psychologists to be licensed as professional counselors.
- 22** **Repealer.** Repeals §§ 148.906; 148.907, subd. 5; 148.908; 148.909, subd. 7 (all related to removal of licensed psychological practitioner as a level of practice); 148.96, subs. 4 and 5.