

MN Supervision Statute & Rule: Let's have a conversation

Sam Sands | Executive Director

Robin McLeod, PhD, LP | Board Chair

Let's have a conversation about Post-Doctoral Supervision

- Mission, composition, and duties of the Board
- Documentation of post-doctoral supervision
- General post-doctoral supervision concerns
- Specific opportunities for applicants and supervisors
- Questions

Mission, Composition, and Duties of the Board

Mission of the Board:

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

Mission, Composition, and Duties of the Board

- Board Duties
 - Regulate psychologists through licensure
 - Regulate the practice of psychology through statute and rule
 - Issue and renew licenses, and collect fees for these licenses
 - Provide avenue for the public to file complaints
 - Educate the public about board rules

Documenting Post-Doctoral Supervision



“Improper or inadequate supervision is the seventh most reported reason for disciplinary actions by licensing boards.”

American Psychological Association. (2014). Guidelines for Clinical Supervision in Health Service Psychology. Retrieved from <http://apa.org/about/policy/guidelines-supervision.pdf> (citing Association of State and Provincial Psychology Boards (ASPPB). (2013c). ASPPB Disciplinary data study.)

Documenting Post-Doctoral Supervision

- What is “Post-Degree Supervised Experience?”
 - Required paid or volunteer work experience & post-degree training that involves professional oversight by a primary supervisor & satisfies supervision requirements of Minnesota Statutes, section 148.925, subdivision 3 and 5.
 - Supervision = documented, in-person consultation which may include interactive, visual electronic communication between either a primary or designated supervisor & an applicant for licensure.

Documenting Post-Doctoral Supervision

- How much Post-Degree Supervised Experience does an applicant need?
 - 1 full year or equivalent in part-time employment;
 - Time worked can be paid or unpaid;
 - Minimum 1800 hours accrued in no less than 12 months & no more than 60 months
 - 1 hour of primary supervision per week worked
 - Second hour of primary, group, or designated supervision if applicant works more than 20 hours in a week.
 - Continued supervision, as described above, after completion of post-doc hours

Documenting Post-Doctoral Supervision



The Board expects that supervisors:

- Understand and abide by supervision requirements in Statute and Rule
- Are competent in supervision
- Document the total hours of supervision provided by primary and designated supervisors
- Protect the well-being of supervisees.
- Fill out licensure forms completely, as required by the Board
- Establish procedures for communicating with designated supervisors
- Retain responsibility for all supervised professional experience

Documenting Post-Doctoral Supervision

The Board expects that applicants (AKA supervisees):

- Know what the post-doctoral supervision requirements are
- Document total hours worked and total hours of supervision received
- Communicate to the Board any changes in their planned supervised experience
- Demonstrate having met all licensure requirements
- Continue supervision after completing required post-doctoral hours until license is granted

Documenting Post-Doctoral Supervision

Documentation of post-doctoral experience

- From supervisees
 - Complete the application
 - Submit Supervision Amendment if necessary
 - Respond to requests for additional information or documents
- From Supervisors
 - Complete out the supervision attestations in a timely manner
 - Respond to requests for additional information or documents

Documenting Post-Doctoral Supervision



Staff verifies the post-doctoral experience

- Ensures all applicant information including amendments is submitted
- Follows up with applicant with questions, if necessary

FOR BOARD USE ONLY		Name of Applicant: <input type="text"/>	
Degree Date: <input type="text"/>	Total Hours: <input type="text"/>		
Section C			
Place of Employment Name & Address: <input type="text"/>	Period of Employment (mm/dd/yy) From: <input type="text"/> To: <input type="text"/> Period of Supervision (mm/dd/yy) From: <input type="text"/> To: <input type="text"/>	Primary Supervisor Name & Address: <input type="text"/> License Number: <input type="text"/> Email: <input type="text"/> (optional)	
Nature of Employment (Describe Duties) <input type="text"/>			Total Hours: <input type="text"/>

Documenting Post-Doctoral Supervision



Staff verifies the post-doctoral experience (continued)

- Reviews Supervision Attestation submitted by Supervisor
- Follows up with supervisor with questions, if necessary



Minnesota Board of Psychology
2829 University Avenue SE, Suite 320, Minneapolis, MN 55414
Telephone: 612-617-2230 TTY: 1-800-627-3529
psychboard.license@state.mn.us

Postdoctoral Supervised Psychological Experience Attestation Form

- Attest only for the timeframe in which you were the applicant's primary supervisor. *If you were the applicant's primary supervisor for intermittent periods of time, you must complete a separate attestation for each period of time you were the applicant's primary supervisor.*
- *Please review the Minnesota Statute 148.89-148.99 and Minnesota Rule 7200 prior to filling out this form.*
- Make sure the form is complete prior to signing.
- Provide an original signature in ink and have the signer initial any changes.

Process for resolving post-doctoral supervision that cannot be certified by staff



- What can slow down the process?
 - Supervisor attests to providing fewer hours than hours claimed by applicant
 - Supervisor attestation provides ambiguous information about supervision hours
 - Applicant fails to describe their duties in adequate detail
 - No explanation of why initial supervision meeting occurs well after first date of postdoc

Process for resolving post-doctoral supervision that cannot be certified by staff

- Application Review Committee reviews the file who may decide:
 - None of it counts
 - Some of it counts
 - To request additional information from the applicant and/or supervisor
 - To refer to the Complaint Resolution Committee

Process for resolving post-doctoral supervision that cannot be certified by staff

- What will the Complaint Resolution Committee do?
 - Investigate supervision that may not meet minimum standards
 - Request a conference with applicant and/or supervisor
 - If warranted, may move toward corrective action or discipline for applicant and/or supervisor

Post-Doctoral Supervision

General Post-Doctoral Supervision Concerns & Specific Opportunities

General Post-Doctoral Supervision Concerns



Common pitfalls with post-doctoral supervision:

- Starting Post-Doc before all degree requirements are met
- Supervisors deferring responsibility for the Post Doc to the supervisee
- Missing a required second hour of supervision
- Multiple supervisors not conferring about supervisee development
- Supervisor does not have true clinical oversight
- No supervision while primary is sick or on vacation; no make-up supervision
- Reducing level of supervision after 1800 hours is completed

Specific Opportunities for Applicants

The specific opportunities for this group:

- Supervision starts well after employment starts
- Starting post-doc before all requirements are met
- Identifying the correct primary supervisors
- Description of duties – be specific
- Identifying only the hours worked under each supervisor during rotation

Application Review Committee

Salina Renninger, Ph.D., LP

Application Review Committee Chair

Committee Members

Salina Renninger, Ph.D., LP (Chair)

Devon Gilchrist, MSW

S. Brent Walden, Ph.D., LP

Committee Meetings

- Typically meets same day as board meetings (10/year)
 - Fridays, 8:00-9:15am
- Schedule additional meetings as-needed
- These are open meetings and anyone can attend, including applicants whose applications are under review

Charges of the Committee

- Review coursework for applicants graduating from programs that are not APA-accredited
- Review applications where reported post-doctoral supervision is:
 - Inconsistent with that required by state statute and/or rule
 - Inconsistency between applicant report and supervisor report regarding supervision/work
- Review waiver and variance requests

Coursework Review



- Applicant supplies syllabi for courses for each area of study required by statute
- Committee reads each syllabus to determine whether it meets requirements—there is a course grid that assists with this process and which is supplied to the applicant too
- When the applicant proposes courses that don't apply to the area for which it was submitted, the committee cannot apply it to a correct area, but can provide feedback to the applicant to encourage better

Supervision inconsistent with that required by statute and/or rule

- Phone supervision
- Primary supervision not provided 1 hour per week
 - 35 weeks no primary of which 19 with designate inadequate too
- Designated supervision not given appropriate oversight
 - Little to no connection between primary and designate
- Primary supervisor needs to be away and appoints non-psychologist to cover as primary

Only cases that exceed reasonable threshold reviewed by ARC—board staff can approve 3 weeks of inadequate supervision if all else is looking good.

Inconsistency between applicant report and supervisor report regarding supervision/work

- Dates of employment not match
- Hours reported not match
- Amount of supervision documented not match

Potential Outcomes

- Approval of hours requested
- Partial approval
- Deny

These decisions either result in a complete application or an incomplete application and the applicant must continue to receive supervision until requirements are met

- Refer to Complaint Resolution Committee

Referrals to Complaint Resolution Committee

- Applicants typically not referred to CRC
- Supervisor sometimes given notice of rules by ED (versus CRC referral)
- Supervisors infrequently referred to CRC

Typical reasons for referral to CRC

- Reason to believe the supervisor will continue to provide additional inadequate supervision to others
- Reason to believe the supervisor did not take supervisory responsibility regarding oversight of the supervisee's work
 - Failure to meet
 - Failure to designate an appropriate other supervisor

Questions?

Brief Overview of the Complaint Resolution Committee (CRC)

The CRC functions to resolve complaints about violations of statute or rules by psychologists, applicants, or others engaged in the practice of psychology.

Possible Resolutions of Complaints

- 1. Dismiss
- 2. Agreement for Corrective Action
- 3. Disciplinary Action
- 4. Educational Conference

Common Supervision Complaints

- 1. Boundary Issues
- 2. Unauthorized (unsupervised) practice
- 3. Inadequate supervision by an applicant

History of BOP Enforcement of Supervision Requirements

- 1. Limited checking and tracking of hours.
- 2. Improved tracking and checking, but limited strategies for enforcement—Many unpopular complaints.
- 3. Improved compliance and education options including:
 - -Attestation
 - -"Leeway"
 - -Use of more educational conferences
 - -Public education

Some Principles Guiding CRC Resolution of Supervision Complaints

- 1. Public protection is central to our mission.
- 2. Actual harm is not required for a significant violation.
- 3. Although not guided by precedent, the Board does value consistency.
- 4. Applicants and licensees are expected to know the law and rules.
- 5. Things happen.

CRC Challenges

- 1. Gray areas
- 2. What is the right remedy?
- 3. Conflicting accounts
- 4. How much should they have known?

Case 1: Unlicensed practice

- An individual applied twelve years ago, has failed the EPPP twice, and has not contacted the Board in ten years.

Case 2: Inadequate Supervision I

- An applicant received only one hour per week of clinical supervision.

Case 3 Inadequate Supervision II- A closer call

- Applicant did not receive two hours of supervision every week.

Case 4: Boundary Issues

- A supervisor is accused of making inappropriate comments