

Variance/Waiver Request Information

This document may be made available in alternative formats upon request.

Please make sure you are filing the most current version of this form. Before submitting this form, visit us online at: <https://mn.gov/boards/psychology/>, and from the dropdown menu under the menu tab labeled "Licensees," click on "Forms". The date shown at the bottom of each page should match the date shown on the current online form.

ACCORDING TO CURRENT RETENTION SCHEDULES, CERTAIN DOCUMENTS MAINTAINED BY THE MINNESOTA BOARD OF PSYCHOLOGY MAY BE DESTROYED. PLEASE KEEP COPIES OF ALL DOCUMENTATION YOU SUBMIT TO THE BOARD SHOULD THE INFORMATION BE NEEDED AT A FUTURE DATE.

NOTICE OF RIGHTS UNDER THE MINNESOTA DATA PRACTICES ACT

Data are compiled to allow board and staff members to review, evaluate, and approve or disapprove applications for licensure as a licensed psychologist in the State of Minnesota based upon statutory and administrative rule requirements governed by the Minnesota Board of Psychology. While you may refuse and are not legally required to supply private or confidential data, failing to provide data requested may result in an inability to process the submitted application. Data you provide will be available to Board members and staff involved in processing the application and may be released to other regulatory agencies, including but not limited to the Office of the Minnesota Attorney General.

Complete the Waiver/Variance Request Form to request a waiver of or variance from a Minnesota Board of Psychology (Board) rule, except for any part of a rule that incorporates a statutory requirement. The Board derives its authority to consider waivers and variances from [Minnesota Rules, part 7200.6000](#). The Board considers variance and waiver requests at regularly scheduled Board meetings. Board decisions are communicated in writing to the petitioner usually within a week or two following the Board meeting.

About Variances

According to the definition, a **variance** is Board-authorized permission to comply with a rule in a manner other than that generally specified in the rule ([Minn. R., part 7200.0110, Subp. 36](#)). For example, an applicant would petition the Board for a variance from the rule requiring that a pre-degree internship appear on the transcript of the applicant if the applicant's school does not post internships on student transcripts. In such a case, the petitioner might request that the Board allow her/him to comply with the rule using an alternative form of independent verification of the internship, such as a letter sent directly to the Board by the internship director. In section A of the form, the petitioner would explain why adherence to the rule would impose an undue* burden; in section B, the petitioner would explain why no public protection issues arise if this variance is granted; and in section C, the petitioner would explain why s/he believes that the rationale for the rule has been met by using alternative practices or measures, which the petitioner will specify in this section of the form.

About Waivers and Late Fees

According to the definition, a **waiver** is Board-authorized permission not to comply with a rule ([Minn. R., part 7200.0110, Subp. 37](#)). The Board of Psychology late fee for renewal is \$250. A renewal application received after the due date of the renewal must include the \$250 late fee along with the current renewal fee of \$500. You may request a waiver of the late fee. The waiver request must be submitted along with the renewal application, renewal fee and late fee. If submitted without the required fees your application will be deemed incomplete and returned to you. You will

be notified of the Board's decision in writing. If the waiver is granted, the Board will return the late fee to you prior to depositing the funds.

* When completing the section on undue burden, please pay close attention to explaining why the rule, as written, would impose—not just a burden, but a burden that is *undue*.

Example: When requesting a waiver of [Minnesota Rules, part 7200.1300, subpart 4, item B](#), for any coursework deficiencies, the Board does not consider it an undue burden when other classmates have previously been accepted with similar coursework.

Time-Limited Variance

Current licensees who have not completed their continuing education (CE) requirements for the current renewal period may request a six-month time-limited variance to fulfill the CE requirements after the renewal date ([Minn. R., part 7200.3860, item D](#)). The request must meet the requirements stated in [Minnesota Rules, part 7200.6000, subpart 1](#) and must include:

1. A written plan listing the activities
2. The dates of each activity
3. The number of hours for each activity

If granted, this variance expires six months after the renewal date.

Instructions

Waiver Request – Complete sections A, B, and D

Variance Request – Complete sections A through D

For sections A, B, and C; use additional sheets if necessary.

Minnesota Rules, part 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 changes 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

Minnesota Rules, part 7200.0110. DEFINITIONS.

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.

VARIANCE/WAIVER REQUEST FORM

Section A

1. LAST NAME	FIRST:	MIDDLE:	2. DATE:

3. REQUESTING (check one) VARIANCE WAIVER OF:

(rule number: refer to [MN Psychology Practice Act](#))

My reasons for making this variance or waiver request are:
 Adherence to the rule would impose an undue burden on the petitioner ([Minn. R., part 7200.6000, subp. 1, item A](#)).
 Please explain why below:

Section B

The granting of a variance or waiver will not adversely affect the public welfare ([Minn. R., part 7200.6000, subp. 1, item B](#)). Please explain why below:

Section C

In the case of a variance, the rationale for the rule in question can be met by alternative practices or measure specified by the petitioner ([Minn. R., part 7200.6000, subp. 1, item C](#)). 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. Please explain why below:

Section D

Signature:

Date: