



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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MEMORANDUM

TO: Minnesota Board of Psychology Stakeholders

FROM: Angelina M. Barnes, JD, Executive Director

DATE: October 26, 2016

RE: Licensure in Academia

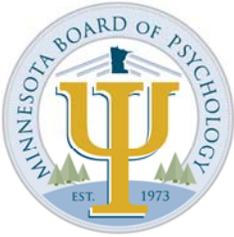
The Minnesota Board of Psychology (Board) is responsible for education, licensure and regulation of the practice of psychology in Minnesota. Within these three responsibilities, the Board leads with education first and regulation second. We use transparent communication and collaborate to achieve our mission.

The Board is committed to excellence in education, licensing, and regulation of psychology in Minnesota. We seek positive solutions that support our mission to promote access to safe, competent, and ethical psychological services. A part of excellence is the ability to provide accurate information. We believe in simplicity and continuous improvement. We achieve excellence through effective relationships with our stakeholders.

As our commitment to you the Board is sharing accurate information related to licensure in academia. The Board shares this information to be responsive and to open a dialog with you on licensure in academia.

The Minnesota Psychology Practice Act (the Act), is made up of the laws and administrative rules the Board must enforce. The laws are written by the Legislature and signed by the Governor. The Board on its own cannot change those laws without a comprehensive legislative process. The administrative rules are written by the Board, vetted by the public and an independent Administrative Law Judge (ALJ), and ultimately signed by the Governor. The Board has more flexibility with the administrative rules than with the laws.

However, the Board recognizes that both the rulemaking process and the legislative process may at times result in a law or set of laws and rules, as in this case, that do not effectively address real life circumstances as intended. The Board is open to change. The Board wants to hear from you.



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The goal of the information in this memo is to be responsive to the concerns the Board has heard and to create a centralized understanding about how the language of the Act is now. With that foundation, the Board seeks a solution(s) to address the concerns and to maintain public protection. In our communications with our stakeholders, several questions have been asked which are responded to below.

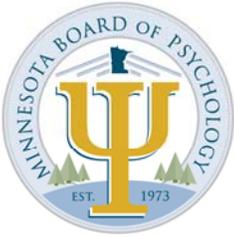
A. Why does the Board regulate the practice of psychology in Minnesota?

The Minnesota Board of Psychology (Board) regulates the practice of psychology in Minnesota because the state legislature decided in Minnesota law that it finds the interests of the people of the state are served by the regulation of certain occupations. This decision of the legislature is reflected in Chapter 214. Chapter 214.001 requires that in order for regulation to be imposed, specific considerations must be given to determine whether regulation makes sense. Specifically, the regulation of a health occupation occurs in Minnesota when the “unregulated practice of an occupation may harm or endanger the health, safety and welfare of the citizens of the state and whether the potential for harm is recognizable....” It is also important in determining whether regulation is to be imposed to consider the following factors:

- (2) whether the practice of an occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;
- (3) whether the citizens of the state are or may be effectively protected by other means; and
- (4) whether the overall cost effectiveness and economic impact would be positive for citizens of the state.

Minn. Stat. 214.001, subd. 2 (2) -(4).

Although the factors in the statute are intended for the regulation of a new profession, the Board relies on the above factors in decision making regarding regulation of the psychology in Minnesota. It is the mission of the Board to protect the public through licensure, regulation, and education to promote access to safe, competent and ethical psychological services. The Board has no desire to regulate activities which do not further its mission of public protection.



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B. Who and what does the Board regulate?

The Board regulates the practice of psychology in the State of Minnesota. The Board's authority is limited by statute to individuals who are either: (1) applicants for licensure; (2) licensed by the Board; or (3) practicing psychology without a license. The Board's authority is limited by statute to the geographic location of the State of Minnesota. The Board's authority is also limited by subject matter, which means that the activity must be considered the practice of psychology to be under the Board's authority. The Board's jurisdiction, personal, geographic, and subject matter are described in more detail below.

1. Personal Jurisdiction

The Board has the power to regulate the conduct of applicants for licensure, licensees of the Board, and individuals who are practicing psychology without a license. The first two categories, applicants and licensees, are subject to the Act and all of its provisions. By receiving a benefit from the state, a license to engage in a profession, the Board is authorized to enforce the Act in very specific ways as granted under the law. *See*, Minn. Stat. 148.941.

The third category, those alleged to be practicing psychology without a license have a limited remedy and a different procedural approach. Matters pertaining to individuals practicing psychology without a license are managed by the Board using a procedure in the district courts of Minnesota. The Board is authorized to seek an injunction, also known as a request to stop an action, in this case, stop practicing psychology, issued by the Court on the Board's behalf. While there is criminal law in Minnesota regarding the practice of psychology without a license, the Board does not have the authority to enforce criminal statutes using criminal remedies.

2. Geographic Jurisdiction

As a general rule, the Board has the power to regulate acts that occur in the State of Minnesota. This is also applicable to the practice of psychology occurring by unlicensed individuals in the State of Minnesota. It is the Board's duty to protect Minnesota citizens from individuals who are not qualified by either education, training, or experience to engage in the practice of psychology.



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3. Subject Matter Jurisdiction

The Board has the power to regulate the subject matter of psychology. This means that individuals who are practicing psychology (whether licensed or unlicensed) are subject to the Board's regulatory authority. However, the question the Board seeks to resolve when reviewing cases is whether the person *is* practicing psychology as defined in the law.

C. What is the practice of psychology in Minnesota and how has it historically been drafted?

Under the Act, the “practice of psychology” means:

[T]he observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, procedures, for any reason, including to prevent, eliminate, or manage symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work, life and developmental adjustment, personal and organizational effectiveness, behavioral 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 and teaching of psychology;
- (2) assessment, including psychological testing and other means of evaluating personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;
- (3) a psychological report, whether written or oral, including testimony of a provider as an expert witness, concerning the characteristics of an individual or entity;
- (4) psychotherapy, including but not limited to, categories such as behavioral, cognitive, emotive, systems, psychophysiological, or insight-oriented therapies; counseling; hypnosis; and diagnosis and treatment of:
 - i. mental and emotional disorder or disability;
 - ii. alcohol and substance dependence or abuse;
 - iii. disorders of habit or conduct;
 - iv. the psychological aspects of illness or condition, accident, injury, or disability, including the psychological impact of medications;



- v. life adjustment issues, including work-related and bereavement issues; and
- vi. child, family, or relationships issues;
- (5) psychoeducational services and treatment; and
- (6) consultation and supervision.

Minn. Stat. 148.89, subd. 5.

The law in Minnesota defines the practice of psychology broadly. It specifically includes non-health service psychology as the practice of psychology as noted below:

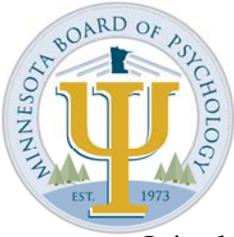
- Psychological research and teaching of psychology;
- Psychoeducational services.
- Consultation and supervision.

Recognizing that the practice of psychology in Minnesota is not limited to “individuals providing health care services,” a license issued by the Board authorizes the licensee to engage in actions characterized as clinical psychology as well as psychoeducational services, psychology research and teaching of psychology, and consultation and supervision.

The definition also covers organizational effectiveness, behavioral health, and mental health, as well as assessment, psychotherapy, psychological assessment and report writing, enhancing interpersonal relationships, work, life, and developmental adjustment. Minn. Stat. 148.89, subd. 5. Limitations to a licensee’s scope of practice come from the requirement in the Act that “providers shall limit practice to the services that they can provide competently....” Minn. R. 7200.4600.

The history of the Act demonstrates that the Act has included “teaching of psychology” as the practice of psychology since 1973.¹ In 1991, the Legislature modified the definition of the practice of psychology, and expanded it to include additional non-health services such as, “psychological research, psychological testing...” “psychoeducational evaluation...remediation, and consultation.” Minn. Stat. 148.89, subd. 5 (1991).

¹ See, Chapter 685 – S.F. No. 47 (showing that beginning in 1973, with the creation of the Board, the definition of the practice of psychology included “teaching of psychology.”); See also, Minn. Stat. 148.89, Sec. 2, Subd. 1(5) (1973).



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It is also relevant to note that the definition of a “psychologist,” at this time included, “a person who represents himself or herself to be 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 qualifications in any area of psychology.” *Id.* at Subd. 6(1991).

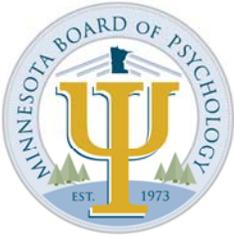
In 1996, the Legislature added more language to the definition of the practice of psychology including the following services in the “practice of psychology,”: (1) psychological research, psychological testing, teaching of psychology...”; “work-related issues.” Minn. Stat. 148.89, subd. 5 (1996).

In 2003, the Legislature explicitly removed the word “services” from the definition of the practice of psychology including: “psychological testing,”; “biofeedback,”; “psychoanalysis”; “psychotherapy,”; and added “consultation and supervision.” Minn. Stat. 148.89, subd. 5 (2003).

D. Did the Board have a “past interpretation” of the Act on the issue of licensure in academia?

The Board has no documented or articulated interpretation of the Act on the issue of licensure in academia. As noted above, the language of the definition of the practice of psychology remains largely unchanged since 1973. The Board does not establish specific interpretations to be applied to a class of cases, this could be considered, improper unpromulgated rulemaking. Rather, the Board uses the language of the statute or administrative rule, and advice from the Office of the Attorney General for questions related to application of laws and administrative rules for **specific cases**.

Every decision of the Board happens through the application of the Act to individual facts of a case. It is probable, that the same laws and administrative rules applied to a different set of facts yield a different result. The Board’s duty to enforce the Act is not static, it is dynamic and multi-faceted depending on which facts are presented. This is the case for all aspects of the Act, not just licensure in academia.



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E. Did the Board change the Act in a way that impacted licensure and academia?

The Act did not change, the Board's performance and commitment to continuous improvement did. The Act has broadly defined the practice of psychology since 1973.

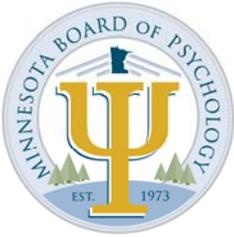
In or around 2010, the Board committed to key goals and renewed a commitment to continuous process improvement, excellence in customer service, and enhanced regulatory compliance.

Examples of improvements that contributed to the Board's increased awareness of regulatory issues include: (1) offering twenty-one free educational opportunities over the past year; (2) adding three new positions to the Board since 2009 (Investigator Senior, Customer Services Specialist Intermediate (CSSI), and Office Administrative Specialist Principle); (2) prioritizing professional development and training of board members and staff; (3) engaging in continuous in-depth process improvement review in all Board units including 4 Kaizen events; (4) implementation of a new electronic database; (5) increased contact with stakeholders resulting in relationships with open lines of communication.

As a result of these improvement efforts, the Board is a more cohesive, committed, and enthusiastic agency focused on excellence in customer service and full execution of statutory responsibilities. Customer service excellence begins with the prioritization of relationships. The Board identified, connected to, and built new stakeholder relationships to be an effective agency. As the Board established new relationships in the field of psychology, it communicated the expectations of the Act. At the same time, stakeholders raised concerns with the Board and provided informal feedback on practices throughout the State in ways that informed the work of the Board.

In June of 2013, the Board hosted a five (5) day Kaizen process improvement event, and as a result made significant improvements to address inefficiencies in the licensure process. Another outcome of this event was the development and implementation of a standardized "supervision log." The Board has also increased Board sponsored education regarding post degree supervised psychological employment and the requirement to report all post degree employment during the licensure process.

Overall, the language of the Act did not change and licensure investigations have always been conducted for cases where the information implies that the individual may be in violation of the Act. However, the standardization of the reporting of post degree employment and supervision hours, along with the Board's overarching drive for continuous improvement, and numerous efforts to become a better agency impacted the data reported by applicants and supervisors.



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Investigating violations of the Act is the essence of the public protection provided by the Board. The investigative process whether it is for a complaint or a licensure investigation involves the use of the same tools as required in administrative law. It also involves the use of legally required notices, documents, and authorizes the Board to use administrative subpoena power to obtain documentation as a part of an investigation. It is routine practice for the Board to issue a subpoena for information. A Board subpoena for the records of an applicant or licensee **does not** mean that the individual is the subject of the investigation and should not be assumed to be the subject. All active investigative data is classified as “confidential,” under the Minnesota Government Data Practices Act. Due to the data classification, the Board is not authorized to provide information on an active investigation.

F. Why wasn't there a period for public comment, stakeholder input, or official communications regarding the Board's actions related to licensure in academia?

The Board serves a very large number of stakeholders, including over 3,700 licensed psychologists and well over 100 applicants per year. The Board prioritizes the use of its very limited resources in a manner that best fulfills the mission of public protection. The Board is always open to receiving public comment and feedback on an ongoing basis. The Board encourages stakeholders to contact the Board if it can be of assistance in any way.

With respect to issues in academia, no one, individual or otherwise approached the Board with a request to formally discuss their concerns related to licensure in academia, nor had the Board held any public discussion on licensure in academia. The Board was under the impression it was working within an open and collaborative relationship with stakeholders and that if the matter was urgent, it would be raised with the Board directly.

Prior to May 2016, the Board was in the early stages of reviewing issues raised by the language of the Act and was working toward gathering data, conducting research, and managing ongoing cases by priority. Moreover, the number of cases specific to licensure in academia is small. It would have been premature to begin seeking public comment on an issue that had not been fully raised before the Board.

Additionally, the Board did not send any official communication because the law and administrative rules being used are those vetted by both the Minnesota Legislature and the administrative rule promulgation process. It is important to note the Board did not begin investigating cases on its own initiative of any academician. A review of case data on licensure related investigations demonstrates that all but one of the Board's reviews was conducted pursuant to an application for licensure.



Any review by the Board occurs pursuant to a self-disclosure by the individual themselves to the Board which alleges or implies a violation of the Act, or by a third-party complainant filed with the Board which alleges or implies a violation of the Act. Moreover, to date, the Board has taken no disciplinary or corrective actions related to licensure in academia.

G. Does the Board require individuals with doctoral degrees in psychology engaged in teaching and research “must” be licensed?

No. Teaching and research include a wide array of substantive topics, many of which have nothing to do with a need to be licensed in the practice of psychology. The Board recognizes and appreciates the complexities and cross-over that exists between various occupations.

The Act makes clear the Board does not intend to limit or to impose on the occupational pursuits of individuals working within their training and codes of ethics such as a “teacher in a recognized public and private school.” Minn. Stat. 148.96. The regulation of teachers is left to the authority of the Minnesota Board of Teaching.²

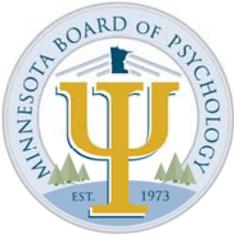
The term teacher is defined to mean “all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.” Minn. Stat. 122A.15, subd. 1.

Second, research can be broadly defined and include a multitude of professions, specifically, research is defined as, “studious inquiry or examination; investigation or experimentation aimed at the discovery and interpretation of facts, revisions of accepted theories or laws in light of new facts, or practical application of such new or revised theories or laws.”³

Given the existence of researchers in nearly every field, it would be impractical and nonsensical to require licensure on the mere threshold of whether someone conducts research or not.

² The Board of Teaching’s primary mission is to assure that Minnesota students are served by licensed teachers who are equipped to deliver effective instruction and meet the instructional needs of all learners. To that end, the Board of Teaching has...[established and maintained] licensure standards and requirements....

³ Merriam-Webster, www.merriam-webster.com/dictionary/research (Last visited: August 26, 2016).



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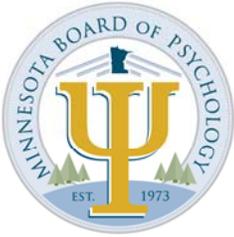
The Act is specific about research and teaching and when it defines the practice of psychology it does list “psychological research and teaching of psychology” as a part of the definition. However, between the lecture exemption of the Act and the recognition that many acts of teaching and research could be classified in other occupations, the Board takes a very conservative approach in matters that arise before it in these areas. The Board’s focus is on licensure and public protection. In circumstances where other regulatory structures, review and provide public safety, the Board seeks to limit its involvement.

H. Who is impacted by the issues raised regarding licensure in academia, specifically, will the Board’s actions have a significant impact on the teaching of psychology and/or conducting psychological research at a college level, or on other tangential fields that may have a similar or shared scope of practice with psychology?

The Board is exploring the issues raised in academia for the purposes of granting a license and public protection of potential clients served. It was never the intent of the Board that the its actions would be hypothesized to have a negative impact on academic institutions in the manner that has been articulated. The Board recognizes the concerns regarding the need for individual and institutional compliance with state regulatory laws, including licensure where required.

To better understand the current state of the issue, the Board examined aggregate data for the sixty-eight (68) licensure investigations opened between February 1, 2016 and October 6, 2016. Fifty-eight (58) of the licensure investigations involved information provided by applicants and supervisors that implied *supervision* was not conducted in accordance with the Act, either because the applicant did not receive primary supervision or the applicant did not receive supervision in the correct ratio of hours worked to hours supervised. The identified supervision deficiencies in these 58 cases did not in any way impact individuals involved in post degree employment in an academic setting.

Ten (10) of the licensure investigations opened between February 1, 2016 and October 6, 2016 involved individuals (applicants or supervisors) in an academic setting. The issues identified for the “Exploring Licensure in Academia Project,” are derived from an even smaller subset of those ten cases and do not specifically include general supervision related issues.



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Out of the ten (10) licensure investigations that involved individuals in an academic setting, only one (1) of those cases involved an individual who had not yet applied for licensure with the Board. This case did not follow the standard process by the Board, and once the issue was identified, the issues were addressed and resolved quickly.

Absent evidence of public harm, clear clinical practice of psychology, or extenuating circumstances implicating other violations of the Act, the Board is primarily focused on resolving matters with respect to individuals seeking licensure in Minnesota who are engaged in academia. The Board recognizes the value that other oversight and regulatory systems provide related to institutional research. Additionally, the Board's primary focus is always on public protection.

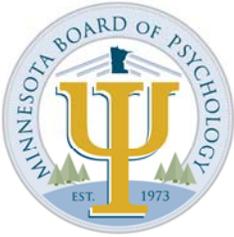
I. What if I work in an academic setting and aspire to be licensed as a licensed psychologist, but I may have practiced psychology without a license in my post-degree employment?

This question assumes that the Act remains as is, and that no legislative or administrative rule has been promulgated to address the complexities in licensure and academia. The response provided below is based on that assumption and intended to provide information for individuals who may be in this situation now.

The primary goal in the licensing process is to determine the applicant's competence to practice psychology with reasonable skill and safety by using a number of approaches including: (1) a national examination in psychology; (2) a professional responsibility examination on Minnesota Rules of Conduct; (3) submission of application information and payment of fees; (4) determination of age of majority, good moral character, and no unresolved disciplinary action or complaints pending in Minnesota or any other jurisdiction; (5) requisite education; (6) postdoc completion.

Violations of the Act do not make anyone automatically "ineligible" to complete the licensure process. In fact, Licensure Investigations (review of pre-licensure conduct) of applicants are commonplace, with most, ending in licensure, provided all other requirements are met.

Licensure investigations do not assume a violation, they are the process the Board must use to make a decision whether there was a violation. The licensure investigation process is "confidential," while active and "private" once closed. Individuals involved in a licensure investigation that closes without action have no adverse action connected with their license. The Board does not confirm or deny the existence of a prior investigation that closed without findings.



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The Board is obligated to examine each application on its own and to apply the Act using the facts of that application. While the Board has a variety of remedies it can impose, the practice of psychology in an academic setting, absent any additional impact, consequences, or public harm would not render an applicant ineligible for licensure.

The Board applies the theory of the least restrictive remedy. This means that the Board is looking for the least restrictive action it can take that will adequately protect the public. The Board balances the facts of the case with the nature of the remedy, if any to arrive at sound outcomes by the Board.

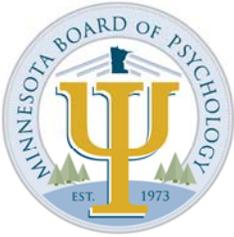
The Board is interested in remediation. Past violations of the Act may serve as valuable learning opportunities for applicants, supervisors, and licensees. Demonstration of sound professional judgment, increased knowledge of the Act, and the competence to practice at the minimum standard of acceptable and prevailing practice, coupled with insight and a future plan to prevent similar conduct are all applicable to the Board's decision-making process.

J. Does the Board generate complaints from within when individuals call in for guidance?

It is not the practice of the Board to collect data from callers seeking guidance from the Board on the Act. Additionally, callers are not required to identify themselves when seeking general information related to the Act.

However, the law requires the Board to “receive and resolve complaints or other communications, whether oral or written, against regulated persons.” Regulated persons include individuals practicing psychology without a license, applicants for licensure, and licensees of the Board. The executive director is authorized by law to review complaints and communications to determine “whether the complaint alleges or implies a violation of a statute or rule which the board is empowered to enforce.” Minn. Stat. 214.103, subd. 2.

The Board does not generate complaints – it receives self-disclosures from regulated persons (individuals practicing psychology without a license, applicants, licensees). This is an important distinction, as the Board is not physically or electronically patrolling for violations of the Act. Information provided via self-disclosure (telephone, e-mail, written or oral application data) to the Board during the course of the licensing process is always subject to verification and use in the licensing process. While it would not be prohibited for the Board to open a complaint based on any information both oral or written, the Board has limited financial and human resources and prioritizes resources in a manner that provides the efficient and greatest impact on public protection.



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K. Is the Board currently engaged in actions that will have a severe impact on academic researchers and teachers in either the state public or private college systems?

No. The Board is performing its regulatory function in accordance with the Act and is focused on public protection.

Applicants who apply for licensure as a psychologist with the Board have always been subject to a licensure investigation and will continue to be subject to a licensure investigation based on Minnesota law. It is the role of the Board to investigate implied violations of the Act. Licensure investigations occur for a number of reasons as demonstrated by the data below.

Licensure Investigations are investigations that arise out of conduct regulated within the process of obtaining a license. The most frequent licensure investigation is for improper supervision.



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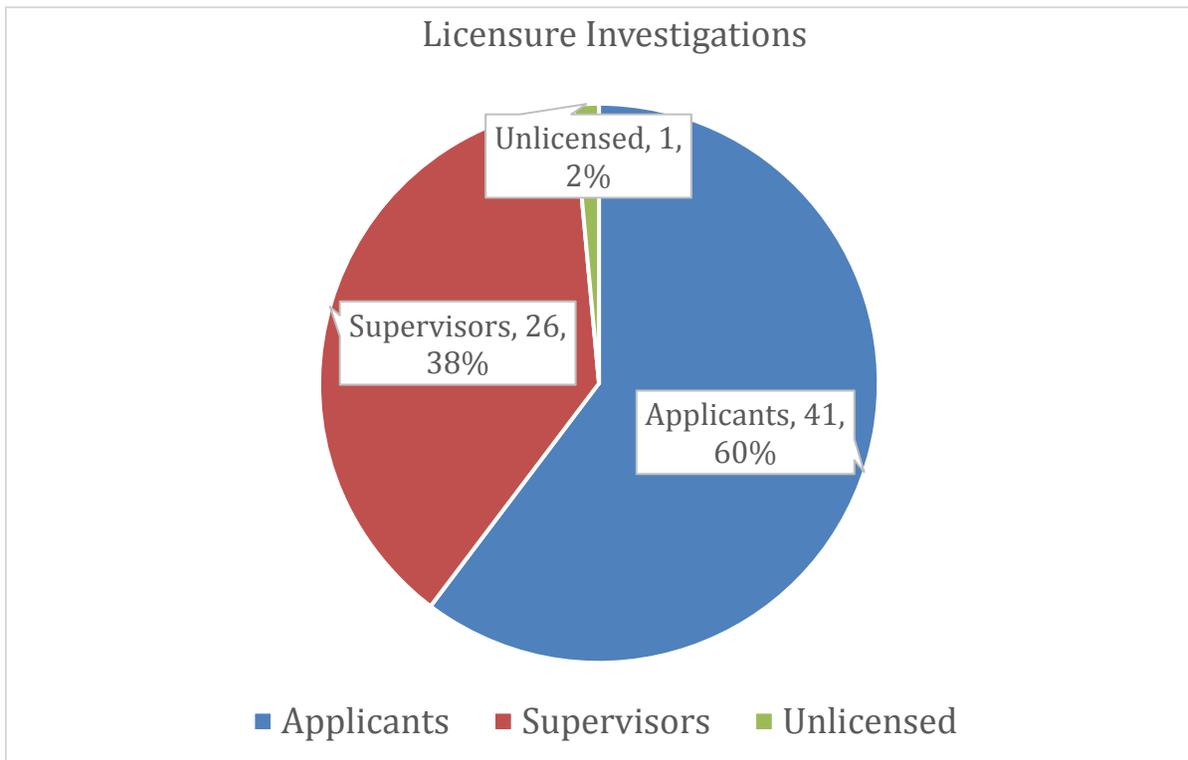
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The graph below shows the distribution of the sixty-eight (68) licensure investigations opened between February 1, 2015 through October 6, 2016 by respondent type (applicant, supervisor, or unlicensed).

Licensure Investigations Opened by Respondent Type (February 1, 2016 – October 6, 2016)



While 68 licensure investigations were opened, the majority of the investigations opened involved clear issues related to violations of the supervision statutes and administrative rules of the Act. Only ten (10) of the licensure investigations involved the Board reviewing post-degree employment that involved questions related to psychological research or teaching of psychology.



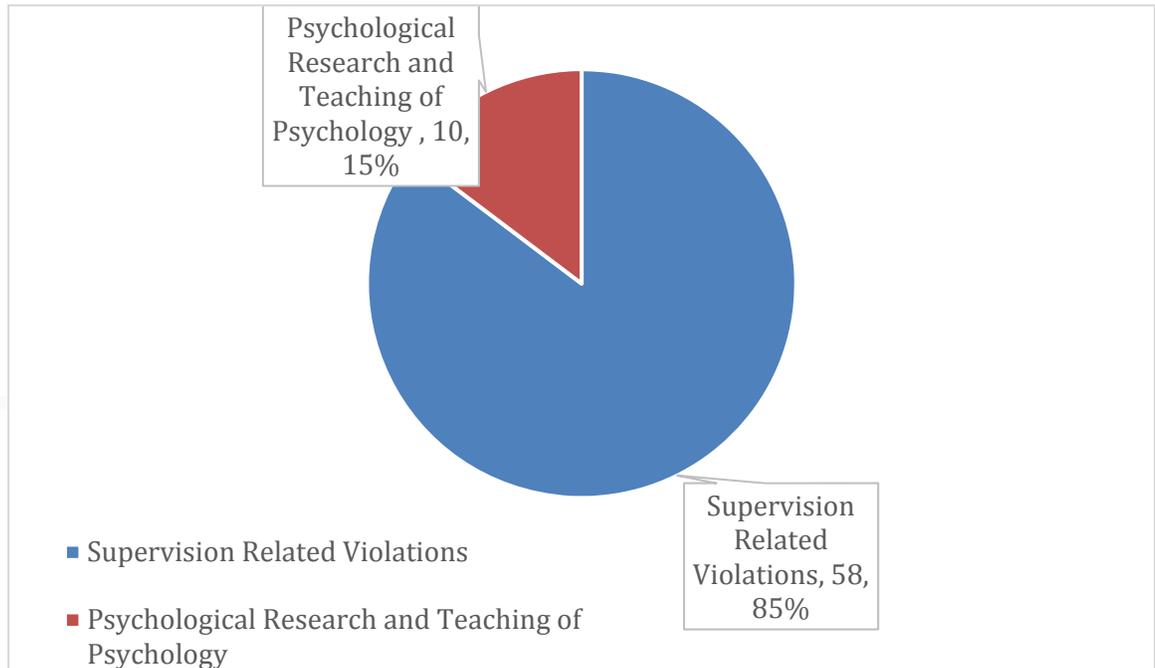
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Licensure Investigations by Topic (February 1, 2015 – October 6, 2016)

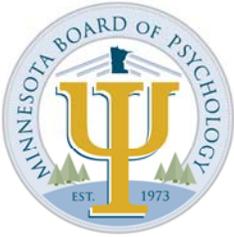


A review of the 10 cases that involved psychological research and/or teaching of psychology are telling regarding the Board’s conservative approach on these types of cases. The 10 cases are further categorized below to provide a better understanding as to the Board’s interest in these cases.

Investigation 1: Applicant of the Board with post-degree employment in psychological research and teaching of psychology with alleged clinical practice, including contact with individuals with mental illness, reported during the license application process.

Investigation 2: Applicant of the Board with post-degree employment in psychological research and teaching of psychology no supervision.

Investigation 3: Applicant of the Board with post-degree employment in psychological research and teaching of psychology no supervision – identified as “other occupational pursuits,” once investigated.



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Investigation 4: Applicant of the Board with post-degree employment in psychological research and teaching of psychology with no supervision or supervision not in the ratio required under the Act, duties included direct services and counseling.

Investigation 5: Applicant of the Board with post-degree employment in psychological research and teaching of psychology.

Investigation 6: Applicant of the Board with post-degree employment in psychology research and teaching of psychology.

Investigation 7: Applicant of the Board with post-degree employment in psychological research and teaching of psychology admitted practice of psychology, supervision ceased after 1,800 hours for > 1 year.

Investigation 8: Applicant of the Board with post-degree employment in psychological research and teaching of psychology with alleged clinical practice and supervision not provided in qualifying ratio (hours worked/supervision provided not as required in Act).

Investigation 9: Applicant of Board with post-degree employment in psychological research and teaching of psychology supervisor did not provide enough hours of supervision as required under the Act for a pre-doctoral internship.

Investigation 10: Unlicensed practice – found to be “other occupational pursuits” and/or lecture exemption.

It is also important to note that of the 10 licensure investigations that involved individuals engaged in post-degree employment in academia, 5 of those investigations involved allegations of what could be considered the provision of direct “health-service psychology” and all but 2 applicants sought to count the time in teaching of psychology and psychological research toward licensure qualifications.

L. Are there exemptions that apply to academia?

The Act has an exemption for “psychologically trained individual(s) from institutions...[to]...offer lecture services,” which makes these individuals exempt from the statute that establishes requirements on how the individual presents themselves to the public. The lecture exemption does not have a corresponding definition of “lecture,” in either law or administrative rule. As a general rule, when laws are not defined the common definition of the word applies.



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M. Current State

The existing Act defines the practice of psychology broadly which benefits the academic community as written. Specifically, by including “psychological research and teaching,” in the definition of the practice of psychology, work performed in this capacity, if properly performed and supervised according the Act can meet the statutory requirement that the postdoc be “psychological employment.” Minn. Stat. 148.907, subd. 2(7).

The Act also includes research and teaching in the list of employment types noted below as “the practice of psychology,” as defined in Minnesota Statutes section 148.89, subdivision 5:

Employment that qualifies may include time spent in supervision, research, teaching, case management, program development, administration or evaluation, staff consultation, peer review, primary or secondary prevention...and direct client contact.

Minn. R. 7200.2000, subp. 3, A.

Including research and teaching, along with other non-health service psychology in the definition of the “practice of psychology,” makes that employment eligible to meet postdoctoral supervised psychological experience requirements for individuals seeking licensure.

However, it is a common misconception that individuals may elect whether or not to “count” time spent in the practice of psychology toward licensure or to obtain supervision or not when engaged in such work. Individuals who determine that the work is the practice of psychology and intend to count it toward licensure, are currently permitted to do so, issues arise when the same time is deemed by the individual to “not be the practice of psychology,” and supervision was not provided.

To be clear, this **does not** preclude individuals from engaging in otherwise permitted activities that are authorized as “other occupational pursuits.” For example, an individual licensed as a Licensed Independent Clinical Social Worker (LICSW) may practice within the scope of an LICSW pursuant to a validly issued license to do so, but may be limited in the hours that would count toward licensure depending on the facts of each situation, and whether the employment was significantly “psychological” in nature as required by the Act.