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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 249

January 22, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to health occupations; modifying emeritus status requirements for
1.3 licensed psychologists; creating an inactive licensure status for licensed
1.4 psychologists; authorizing licensed psychologists to provide a final determination
1.5 not to certify; adding a licensed psychologist to the Health Care Reform Review
1.6 Council; amending Minnesota Statutes 2008, sections 62M.09, subdivision 3a;
1.7 62U.09, subdivision 2; 148.89, subdivision 5; 148.9105, subdivisions 1, 3, 6, 7,
1.8 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.9 chapter 148.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. Minnesota Statutes 2008, section 62M.09, subdivision 3a, is amended to
1.12 read:

1.13 Subd. 3a. **Mental health and substance abuse reviews.** A peer of the treating
1.14 mental health or substance abuse provider or a physician must review requests for
1.15 outpatient services in which the utilization review organization has concluded that a
1.16 determination not to certify a mental health or substance abuse service for clinical
1.17 reasons is appropriate, provided that any final determination not to certify treatment is
1.18 made by a psychiatrist certified by the American Board of Psychiatry and Neurology
1.19 and appropriately licensed in this state or a doctoral-level psychologist licensed in
1.20 this state under chapter 148. Notwithstanding the notification requirements of section
1.21 62M.05, a utilization review organization that has made an initial decision to certify in
1.22 accordance with the requirements of section 62M.05 may elect to provide notification of a
1.23 determination to continue coverage through facsimile or mail. This subdivision does not
1.24 apply to determinations made in connection with policies issued by a health plan company
1.25 that is assessed less than three percent of the total amount assessed by the Minnesota
1.26 Comprehensive Health Association.

2.1 Sec. 2. Minnesota Statutes 2008, section 62U.09, subdivision 2, is amended to read:

2.2 Subd. 2. **Members.** (a) The Health Care Reform Review Council shall consist of ~~14~~
2.3 15 members who are appointed as follows:

2.4 (1) two members appointed by the Minnesota Medical Association, at least one
2.5 of whom must represent rural physicians;

2.6 (2) one member appointed by the Minnesota Nurses Association;

2.7 (3) two members appointed by the Minnesota Hospital Association, at least one of
2.8 whom must be a rural hospital administrator;

2.9 (4) one member appointed by the Minnesota Academy of Physician Assistants;

2.10 (5) one member appointed by the Minnesota Business Partnership;

2.11 (6) one member appointed by the Minnesota Chamber of Commerce;

2.12 (7) one member appointed by the SEIU Minnesota State Council;

2.13 (8) one member appointed by the AFL-CIO;

2.14 (9) one member appointed by the Minnesota Council of Health Plans;

2.15 (10) one member appointed by the Smart Buy Alliance;

2.16 (11) one member appointed by the Minnesota Medical Group Management

2.17 Association; ~~and~~

2.18 (12) one consumer member appointed by AARP Minnesota; and

2.19 (13) one member appointed by the Minnesota Psychological Association.

2.20 (b) If a member is no longer able or eligible to participate, a new member shall be
2.21 appointed by the entity that appointed the outgoing member.

2.22 Sec. 3. Minnesota Statutes 2008, section 148.89, subdivision 5, is amended to read:

2.23 Subd. 5. **Practice of psychology.** "Practice of psychology" means the observation,
2.24 description, evaluation, interpretation, or modification of human behavior by the
2.25 application of psychological principles, methods, or procedures for any reason, including
2.26 to prevent, eliminate, or manage symptomatic, maladaptive, or undesired behavior and to
2.27 enhance interpersonal relationships, work, life and developmental adjustment, personal
2.28 and organizational effectiveness, behavioral health, and mental health. The practice of
2.29 psychology includes, but is not limited to, the following services, regardless of whether
2.30 the provider receives payment for the services:

2.31 (1) psychological research and teaching of psychology;

2.32 (2) assessment, including psychological testing and other means of evaluating
2.33 personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and
2.34 neuropsychological functioning;

3.1 (3) a psychological report, whether written or oral, including testimony of a provider
3.2 as an expert witness, concerning the characteristics of an individual or entity;

3.3 (4) psychotherapy, including but not limited to, categories such as behavioral,
3.4 cognitive, emotive, systems, psychophysiological, or insight-oriented therapies;
3.5 counseling; hypnosis; and diagnosis and treatment of:

3.6 (i) mental and emotional disorder or disability;

3.7 (ii) alcohol and substance dependence or abuse;

3.8 (iii) disorders of habit or conduct;

3.9 (iv) the psychological aspects of physical illness or condition, accident, injury, or
3.10 disability, including the psychological impact of medications;

3.11 (v) life adjustment issues, including work-related and bereavement issues; and

3.12 (vi) child, family, or relationship issues;

3.13 (5) psychoeducational services and treatment; and

3.14 (6) consultation and supervision.

3.15 Sec. 4. Minnesota Statutes 2008, section 148.9105, subdivision 1, is amended to read:

3.16 Subdivision 1. **Application.** Retired providers who are licensed or were formerly
3.17 licensed to practice psychology in the state according to the Minnesota Psychology
3.18 Practice Act may apply to the board for psychologist emeritus registration or psychological
3.19 practitioner emeritus registration if they declare that they are retired from the practice
3.20 of psychology in Minnesota, have not been the subject of disciplinary action in any
3.21 jurisdiction, and have no unresolved complaints in any jurisdiction. ~~Retired providers shall~~
3.22 ~~complete the necessary forms provided by the board and pay a onetime, nonrefundable fee~~
3.23 ~~of \$150 at the time of application.~~

3.24 Sec. 5. Minnesota Statutes 2008, section 148.9105, subdivision 3, is amended to read:

3.25 Subd. 3. **Change to active status.** Emeritus registrants who request a change to
3.26 active licensure status ~~shall~~ must have applied for emeritus status within one year of
3.27 their license expiration date and must meet the following requirements for relicensure
3.28 ~~following termination in the Minnesota Psychology Practice Act. Master's level emeritus~~
3.29 ~~registrants who request licensure at the doctoral level shall comply with current licensure~~
3.30 ~~requirements.:~~

3.31 (1) complete an application form specified by the board;

3.32 (2) document compliance with the continuing education requirements specified in
3.33 subdivision 6; and

4.1 (3) pay a reactivation fee that is equal to the prorated share of the renewal fee
4.2 specified in Minnesota Rules, part 7200.6100.

4.3 Sec. 6. Minnesota Statutes 2008, section 148.9105, subdivision 6, is amended to read:

4.4 Subd. 6. **Continuing education requirements.** ~~The continuing education~~
4.5 ~~requirements of the Minnesota Psychology Practice Act do not apply to emeritus~~
4.6 ~~registrants~~ Emeritus registrants who request a change to active licensure status must
4.7 obtain the continuing education hours that would have been required if the license had
4.8 remained active.

4.9 Sec. 7. Minnesota Statutes 2008, section 148.9105, subdivision 7, is amended to read:

4.10 Subd. 7. **Renewal or special fees.** ~~An emeritus registrant is not subject to license~~
4.11 ~~renewal or special fees~~ Regardless of when the application for an emeritus status is
4.12 submitted, the application must be accompanied by a nonrefundable application fee of
4.13 \$150. A licensee who is approved for an emeritus registration before the license expiration
4.14 date is not entitled to receive a refund for any portion of the license or renewal fee. If
4.15 an application for emeritus registration is received after the license expiration date, the
4.16 licensee must pay a renewal late fee as specified in Minnesota Rules, part 7200.6100, in
4.17 addition to the application fee.

4.18 Sec. 8. Minnesota Statutes 2008, section 148.9105, is amended by adding a subdivision
4.19 to read:

4.20 Subd. 8. **Time limits for emeritus registration.** An emeritus registrant may not
4.21 apply for reactivation after five years following the granting of an emeritus registration.
4.22 After five years following the granting of an emeritus registration, a registrant may apply
4.23 for new licensure.

4.24 Sec. 9. **[148.9106] INACTIVE STATUS.**

4.25 Subdivision 1. **Inactive status.** A license may be placed in inactive status upon the
4.26 licensee submitting to the board a completed application form provided by the board for a
4.27 temporary leave from active practice. A licensee shall qualify for a temporary leave
4.28 from active practice if the licensee demonstrates to the satisfaction of the board that the
4.29 licensee is not engaged in the practice of psychology in any setting, that there are no
4.30 known impediments to licensure, and that there are no unresolved complaints on file with
4.31 the board in this state or in any other jurisdiction.

5.1 Subd. 2. **Fee.** Regardless of when the application for inactive status is submitted,
5.2 the completed application must be accompanied by a nonrefundable application fee of
5.3 \$150. A licensee who is approved for inactive status before the license expiration date
5.4 is not entitled to receive a refund for any portion of the license or renewal fee. If an
5.5 application for inactive status is received after the license expiration date, the licensee
5.6 must pay a renewal late fee as specified in Minnesota Rules, part 7200.6100, in addition to
5.7 the inactive status application fee.

5.8 Subd. 3. **Time limits for inactive status.** A licensee may maintain a license in
5.9 inactive status for no more than five consecutive years. If the licensee does not apply
5.10 for reactivation within 60 days following the end of the consecutive five-year period,
5.11 the license automatically expires.

5.12 Subd. 4. **Prohibition on practice.** (a) Except as authorized in paragraph (b) and
5.13 subdivision 5, a licensee on inactive status must not practice, attempt to practice, offer to
5.14 practice, or advertise or hold out to the public as authorized to practice psychology.

5.15 (b) The board may grant a variance to the prohibition described in paragraph (a)
5.16 in order for a licensee on inactive status to provide emergency psychology services. A
5.17 variance is granted upon the board providing a variance in writing to the licensee. The
5.18 board may impose conditions or restrictions on the variance.

5.19 Subd. 5. **Temporary permit.** (a) A licensee on inactive status may apply to the
5.20 board for a temporary permit to practice for a limited period of time without reactivating
5.21 the license. To apply for a temporary permit, a licensee on inactive status must:

5.22 (1) complete an application form specified by the board; and

5.23 (2) document compliance with the continuing education requirements that would be
5.24 required if the license was reactivated at the time of the application.

5.25 (b) The board may grant a temporary permit to practice to a licensee on inactive
5.26 status upon completion of the requirements in paragraph (a). Each temporary permit shall
5.27 be for no longer than a seven-consecutive-day period.

5.28 (c) A licensee on inactive status may practice under a temporary permit for no more
5.29 than a total of 30 days per calendar year.

5.30 Subd. 6. **Reactivation.** To reactivate a license from an inactive status, a licensee
5.31 must:

5.32 (1) complete an application form specified by the board;

5.33 (2) document compliance with the continuing education requirements specified in
5.34 subdivision 7; and

5.35 (3) pay a reactivation fee that is equal to the prorated share of the renewal fee
5.36 specified in Minnesota Rule, part 7200.6100.

6.1 Subd. 7. **Continuing education requirements.** A licensee who is on inactive status
6.2 must obtain the continuing education hours that would have been required if the license
6.3 had remained active. At the time of reactivation, the licensee must document compliance
6.4 with the continuing education requirements.