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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE No. 2995**

February 16, 2010

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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

March 4, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on K-12 Education Policy and Oversight

1.1 A bill for an act  
1.2 relating to special education; expanding who is qualified to make a diagnosis of  
1.3 attention deficit disorder or attention deficit hyperactivity disorder; amending  
1.4 Minnesota Statutes 2009 Supplement, sections 125A.02, subdivision 1;  
1.5 245.4871, subdivision 27.

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

1.7 Section 1. Minnesota Statutes 2009 Supplement, section 125A.02, subdivision 1,  
1.8 is amended to read:

1.9 Subdivision 1. **Child with a disability.** "Child with a disability" means a child  
1.10 identified under federal and state special education law as having a hearing impairment,  
1.11 blindness, visual disability, speech or language impairment, physical disability, other  
1.12 health impairment, mental disability, emotional/behavioral disorder, specific learning  
1.13 disability, autism, traumatic brain injury, multiple disabilities, or deafblind disability  
1.14 who needs special education and related services, as determined by the rules of the  
1.15 commissioner, is a child with a disability. A licensed physician, an advanced practice  
1.16 nurse, ~~or~~ a licensed psychologist, or a mental health professional under section 245.4871,  
1.17 subdivision 27, is qualified to make a diagnosis and determination of attention deficit  
1.18 disorder or attention deficit hyperactivity disorder for purposes of identifying a child  
1.19 with a disability.

1.20 Sec. 2. Minnesota Statutes 2009 Supplement, section 245.4871, subdivision 27,  
1.21 is amended to read:

1.22 Subd. 27. **Mental health professional.** "Mental health professional" means a  
1.23 person providing clinical services in the diagnosis and treatment of children's emotional  
1.24 disorders. A mental health professional must have training and experience in working with

2.1 children consistent with the age group to which the mental health professional is assigned.

2.2 A mental health professional must be qualified in at least one of the following ways:

2.3 (1) in psychiatric nursing, the mental health professional must be a registered nurse  
2.4 who is licensed under sections 148.171 to 148.285 and who is certified as a clinical  
2.5 specialist in child and adolescent psychiatric or mental health nursing by a national nurse  
2.6 certification organization or who has a master's degree in nursing or one of the behavioral  
2.7 sciences or related fields from an accredited college or university or its equivalent, with  
2.8 at least 4,000 hours of post-master's supervised experience in the delivery of clinical  
2.9 services in the treatment of mental illness;

2.10 (2) in clinical social work, the mental health professional must be a person licensed  
2.11 as an independent clinical social worker under chapter 148D, or a person with a master's  
2.12 degree in social work from an accredited college or university, with at least 4,000 hours of  
2.13 post-master's supervised experience in the delivery of clinical services in the treatment  
2.14 of mental disorders;

2.15 (3) in psychology, the mental health professional must be an individual licensed by  
2.16 the board of psychology under sections 148.88 to 148.98 who has stated to the board of  
2.17 psychology competencies in the diagnosis and treatment of mental disorders;

2.18 (4) in psychiatry, the mental health professional must be a physician licensed under  
2.19 chapter 147 and certified by the American board of psychiatry and neurology or eligible  
2.20 for board certification in psychiatry;

2.21 (5) in marriage and family therapy, the mental health professional must be a  
2.22 marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least  
2.23 two years of post-master's supervised experience in the delivery of clinical services in the  
2.24 treatment of mental disorders or emotional disturbances; or

2.25 (6) in licensed professional clinical counseling, the mental health professional shall  
2.26 be a licensed professional clinical counselor under section 148B.5301 with at least 4,000  
2.27 hours of post-master's supervised experience in the delivery of clinical services in the  
2.28 treatment of mental disorders or emotional disturbances; ~~or.~~

2.29 ~~(7) in allied fields, the mental health professional must be a person with a master's~~  
2.30 ~~degree from an accredited college or university in one of the behavioral sciences or related~~  
2.31 ~~fields, with at least 4,000 hours of post-master's supervised experience in the delivery of~~  
2.32 ~~clinical services in the treatment of emotional disturbances.~~