

Report to the Legislature in Compliance with Minnesota Statutes Section 3D.06 (Sunset Review 2012)



Minnesota Board of Psychology

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Introduction

This report is prepared and submitted on behalf of the Minnesota Board of Psychology (Board) pursuant to the requirements of the Sunset Commission and the statutory requirements as established under Minnesota Statutes, section 3D.06.

In accordance with the statutory requirements of Minnesota Statutes, section 3.197, cost incurred in preparation of this report to the Sunset Commission, and subsequently to the Minnesota Legislature total approximately: \$2,500.00

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Agency at a Glance

The Board of Psychology was established in 1973 and operates according to laws passed by the Minnesota Legislature. The Board is mandated by Minnesota Statutes to perform the duties necessary to promote and protect the public health, safety, and welfare through the licensure and regulation of persons who practice psychology in the state, including investigating complaints against licensed psychologists and their practice.

Beginning in 2010, the Board began strategic planning to achieve continued improvement in effectiveness and efficiencies in operations, streamlining of processes, implementation of robust online services, while licensing more individuals and resolving complaints in less time.

Key Facts

Funding. The Board is entirely fee supported and receives no General Fund dollars. The Board is responsible for collecting sufficient revenue from fees to cover both direct and indirect expenditures, which is deposited as non-dedicated revenue into the State Government Special Revenue Fund (SGSRF).

Staffing. The agency has 11 volunteer Board members appointed by the Governor and 9.6 FTE staff members who serve approximately 3,471 licensees, not including other customers such as verification entities and continuing education sponsors. The staff to licensee ratio is 1 staff to 392 licensees served.

Licensing. The Board licenses psychologists who meet standards of education, examination, supervised practice, continuing education, and ethical standards of practice. There is one licensed psychologist license based on a doctoral degree in psychology. Over the last decade, the number of licenses issued has increased 105% from 84 licenses in FY 2000 to 173 licenses in FY 2010. The total numbers of admissions to examinations, both EPPP and PRE have increased 20% from 170 in FY 2000 to 204 in FY 2010.

Complaint Resolution and Enforcement. The Board investigates and resolves complaints against applicants or licensees engaging in the practice of psychology to ensure competent and ethical services are provided to Minnesota residents. Regulation of psychologists affords consumers of psychological services access to the Board's independent complaint resolution process. The ten year average number of complaints from FY 2000 to FY 2010 was 131 per year.

Online Services. Online services are in the final stages of testing and implementation with the first services to include online renewal and verification anticipated to be offered in January 2012. Additionally, the Board recently implemented Phase I of digital complaint processing, which includes use of State laptops to review and process agency complaints.

Significant Events

1973	Board of Psychologists Examiners is appointed
1974	Public hearing on the first rules and regulations of the Board; rules adopted
1977	Revision of the Code of Ethics
1982	New licensure procedure, Rules of Conduct (to replace Code of Ethics), and rules updates adopted by the Board
1985	Health-related licensing boards physical relocation
1988	Examination, licensure, renewal and renewal late fees increase
1989	Field of practice oral examination instituted; written jurisprudence examination to replace existing oral examination
1996	Update to the Psychology Practice Act
1997	Post-degree supervised professional employment modified from a 2-year requirement to 1 year; licensure for volunteer practice created
1998	Board authorized a rewrite of all of the Board's administrative rules and constituted a Public Advisory Committee (PAC) to assist with the process
1999	Technological updates include Internet access and licensure database; Strategic planning for IT services
2000	Board website activated
2006	APA accredited education deemed to meet educational requirements for licensure
2009	New Executive Director
2010	Initiation of agency strategic planning
2011	Phase I of implementation of electronic meetings

Awards for Regulatory Accomplishments

2006	Presidential Citation from the Minnesota Psychological Association
2007	ASPPB's Ming Fisher Award Recipient for stellar service by the Board's administrator for service to their regulatory board and contributions to ASPPB

Section I. Mission, Goals, Objectives

Identification of the mission, goals, and objectives intended for the agency or advisory committee;

Mission:

The mission of the Minnesota Board of Psychology is to protect the public from the practice of psychology by unqualified persons and from unethical and unprofessional conduct by persons licensed to practice psychology.

Goals:

The Minnesota Board of Psychology seeks to:

- maintain excellence in public protection through licensure, education and enforcement in the practice of psychology within the State of Minnesota;
- increase quality of mental health services through high standards of licensure, education, and enforcement around psychological practice; and
- advance the Board as a key partner in psychology regulation and public education through increased collaboration and outreach to key stakeholders

Objectives:

Licensure: Adopt and enforce rules for licensing psychologists, and for examinations which shall be held at least once a year to assess applicants' knowledge and skills; issue licenses to individuals qualified under sections 148.907 and 148.908 according to the procedures for licensing in Minnesota rules.

Enforcement: Adopt and enforce rules for regulating the professional conduct of psychologists and for the practice of psychology. Administer the complaint resolution unit enabling the public to submit complaints regarding the conduct of applicants and licensees in the practice of psychology.

Education: Issue copies of the rules for licensing to all applicants, establish and maintain annually a register of current licenses, and educate the public about the requirements for licensing of psychologists and about the rules of conduct, to enable the public to file complaints against applicants or licensees who may have violated the Psychology Practice Act. Adopt and implement requirements for continuing education and establish and approve programs that qualify for professional psychology continuing education credit.

See, Minn. Stat. Sec. 148.905, subd. 1 (1)-(9).

The Board accomplishes their mission, goals and objectives through its regulation of the practice of psychology by:

Licensure. Licensing qualified individuals within the field of psychology so that Minnesotans seeking to use their services will be able to identify those working in the field with skills necessary to provide services in compliance with Minnesota Statutes and Rules.

Enforcement. Investigating and resolving complaints against applicants and licensees. Enforcing standards of safe practice and ethical conduct. Implementing disciplinary and compliance actions when licensees do not perform in compliance with standards.

Education. Ensuring that educational standards for prospective licensees and continuing education for licensees are maintained. Educating the public on the practice of psychology and the role of the Board.

The problem or need that the agency or advisory committee was intended to address and the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed

Regulation of the Practice of Psychology

Clinical psychology is an integration of science, theory and clinical knowledge for the purposes of understanding, preventing, and relieving psychologically-based distress or dysfunction and to promote subjective well-being and personal development. Central to its practice are psychological assessment and psychotherapy, although clinical psychologists engage in research, teaching, consultation, forensic testimony, and program development and administration.

See, American Psychological Association, Division 12, "About Clinical Psychology."

On November 12, 1973, Governor Wendell Anderson appointed nine members to the Minnesota Board of Examiners of Psychologists, which was established by Minnesota Statutes, section 1973, Chapter 148, Sections 148.88 through 148.99 for the purpose of, "protection of the public through the licensing of psychologists engaged in private practice of psychology in the State of Minnesota." See, Statewide Activity Analysis, Activity Description/Purpose/Outputs document dated July 9, 1974.

In its first biennium, FY 1975 to FY 1976, the Board of Examiners of Psychologists had a total appropriation of \$51,197 with disbursements of \$47, 406.

The initial rules of the Board of Psychology were adopted on July 19, 1974 and were filed with the Secretary of State and the Commissioner of Administration on August 16, 1974. The rules

covered General Definitions; Applications; Educational Qualifications for Licensing; Professional Experience; Waivers; Examinations; License Renewal; Reprimand; Suspension and Revocation; Collaboration; Code of Ethics; Complaint Procedure; Display of License; and Fee Schedule.

As of June 30, 1976, the board had issued 206 Licensed Psychologist (LP) licenses and 564 Licensed Consulting Psychologist (LCP) licenses.

In the same biennium, the Board had no revocations, suspensions, or altered status of licensure arising out of a combined 3 written complaints and 7 oral complaints.

Approximately 3 decades later, the Board has grown into a strong agency for public protection and from its inception forward, the Board continues to be extremely efficient and fiscally responsible.

Between July 1, 2008 and June 30, 2010, the Board maintained approximately 3,471 Licensed Psychologist (LP) licenses and 69 Licensed Psychological Practitioner (LPP) licenses for a total of approximately 3,540 regulated licensees.

The Board admitted a combined total of 492 applicants to the Examination on Professional Practice in Psychology (EPPP) and the Professional Responsibility Examination (PRE).

With respect to enforcement, between July 1, 2008 and June 30, 2010, the Board received 261 total complaints, closed 295 complaints (including complaints held over from previous periods), and issued the following in terms of disciplinary actions: three (3) revocations of licensure; three (3) suspensions of licensure; ten (10) conditioned or restricted licenses; and four (4) reprimands.

Statutory Construction

The Board is a statutory entity and is created and operates in accordance with the Psychology Practice Act, Chapter 148.88 through 148.98 with administrative rules 7200.0100 through 7200.6175, as well as in accordance with Chapter 214.

The Board is comprised of 11 members appointed by the Governor as follows: three (3) individuals licensed as licensed psychologists who have doctoral degrees in psychology; two (2) individuals licensed as licensed psychologists who have master's degrees in psychology; two psychologists, not necessarily licensed, one (1) with a doctoral degree in psychology who represents a doctoral training program in psychology; and one (1) who represents a master's degree training program in psychology; one (1) licensed psychologist; and three public members.

Pursuant to Minnesota Statute, section 148.90, subdivision 2, members of the Board shall be residents of the state and shall not serve for more than two consecutive terms.

Board Membership

Board Member	Seat	Appointment	Role and Responsibility
Chris Bonnell, JD (Board Chair) <i>Buffalo, Minnesota</i>	Public Member	June 2010 to January 2014	Board Chair Administrative Committee Complaint Resolution Committee Legislative Committee Rules Committee Strategic Planning Team
Jeffrey Leichter, Ph.D., LP <i>Detroit Lakes, Minnesota</i>	Licensed Psychologist with a doctoral degree in psychology	June 2010 to January 2014	Board Vice Chair Administrative Committee Legislative Committee Complaint Resolution Committee Professional Responsibility Examination Committee Strategic Planning Team
Susan Ward <i>Rochester, Minnesota</i>	Public Member	March 2009 to January 2013	Board Secretary Administrative Committee Complaint Resolution Committee
Jean Wolf, Ph.D., LP <i>Saint Paul, Minnesota</i>	Licensed Psychologist with a doctoral degree in psychology	April 2004 to January 2012	Complaint Resolution Committee
Jeffrey Allen Brown, Ph.D., LP <i>Eagan, Minnesota</i>	Licensed Psychologist with a doctoral degree in psychology representing a doctoral training program in psychology	August 2008 to January 2012	Application Review Committee Rules Committee
Patricia Stankovitch, Psy.D., LP <i>Eden Prairie, Minnesota</i>	Licensed Psychologist with a doctoral degree who represents a	June 2010 to January 2014	Complaint Resolution Committee Application Review Committee Strategic Planning Team

	master's degree training program in psychology		
Patricia Orud, MA, LP <i>Saint Paul, Minnesota</i>	Licensed Psychologist with a master's degree in psychology	June 2010 to January 2012	Complaint Resolution Committee Rules Committee Legislative Committee
Rajakumar David, Psy.D., LP <i>Eagan, Minnesota</i>	Licensed Psychologist with a doctoral degree in psychology	June 2011 to January 2015	Application Review Committee Professional Responsibility Examination Committee
Benjamin J. Dollins, JD <i>Vadnais Heights, Minnesota</i>	Public Member	June 2011 to January 2015	Application Review Committee Legislative Committee
LaTina Else, Ph.D., LP <i>Duluth, Minnesota</i>	Licensed Psychologist with a doctoral degree in psychology	June 2011 to January 2015	Professional Responsibility Examination Committee Legislative Committee
Cheryl Henley, MS, LP <i>Duluth, Minnesota</i>	Licensed Psychologist with a master's degree in psychology	June 2011 to January 2015	Complaint Resolution Committee Legislative Committee

The majority of the work of the board is accomplished through a committee process, with the recommendations of various committees going to the full board for final approval, or through authority delegated from the Board to administrative staff.

The committees of the Board are:

- Complaint Resolution Committee I;
- Complaint Resolution Committee II;
- Application Review Committee;
- Administrative Committee;
- Legislative Committee;
- Professional Responsibility Committee;

- Rules Committee

All board committees are structured to balance the need for professional expertise provide by the regulated psychologist members and the objective insight provided by the public members.

Board Staff

Currently, the Board staff is comprised of 7 full time employees (FTE) and 3 part time employees (PTE) for a total of 9.6 FTE, or one staff person per every 392 licensees served. The Board's full time positions are as follows: Executive Director, State Program Administrator Supervisor (Assistant Executive Director), Office Specialist (Receptionist), Office Administrative Specialist Principal, Office Administrative Specialist (Licensure Specialist), and two (2) Investigators (Regulations Analysts). Part-time positions include: Management Analyst I (Office Manager), Office Administrative Specialist (Complaint), and a State Program Administrator (Continuing Education Coordinator).

The Board is also supported by the legal and investigative services of the Office of the Attorney General (Minn. Stat. Sec. 214.103).

Six Year Full-Time Employee (FTE) Staffing

2006 (7.2 FTE)
Executive Director
State Program Administrator
Office Services Supervisor
Investigator
Investigator
Management Analyst (80%)
Office Specialist
Office Administrative Specialist (40%) (Temporary)
2007-2008 (9.8 FTE)
Executive Director
State Program Administrator
Investigator
Investigator
Management Analyst (80%)
Office Specialist
Office Specialist
Office Assistant (temporary)
Office Administrative Specialist
Office Administrative Specialist
2009-2010 (10.8 FTE)
Executive Director

Assistant Executive Director
Management Analyst (80%)
State Program Administrator
Office Administrative Specialist
Office Administrative Specialist
Office Administrative Specialist—Student Worker
Office Administrative Specialist
Investigator
Investigator
Office Specialist

See, Minnesota Board of Psychology 2011 Organizational Chart attached as Appendix A.

Section II. Performance Measures

The efficiency and effectiveness with which the agency or advisory committee operates

The Board is in the final stages of completing a four part update to the administrative rules in the areas of licensure, definitions, continuing education, and rules of conduct to improve clarity of the regulatory language and to align Board rules with current trends in the field of psychology.

The Board engages in strategic planning to clarify its mission and vision as well as to identify areas for improvement and increased efficiency and effectiveness in its day to day work in public service.

Licensure

The Board accepts and processes the following applications pursuant to the cited statutory and administrative authority:

Application Type	Statutory Authority
Licensed Psychologist (LP)	Minn. Stat. 148.907
Licensed Psychological Practitioner (LPP)	Minn. Stat. 148.908
Conversion from LPP to LP	Minn. Stat. 148.907, subd. 5
Admission to EPPP	Minn. Stat. 148. 905, subd. 1 (3); Minn. R. 7200.0300; Minn. R. 7200.3000
Admission to PRE	Minn. Stat. 148. 905, subd. 1 (3); Minn. R. 7200.0300; Minn. R. 7200.3000
Guest Licensure	Minn. Stat. 148.916, subd. 1
Guest Licensure (Temporary Permit)	Minn. Stat. 148.916, subd. 1a
Conversion of Master's to Doctoral	Minn. Stat. 148.907, subd. 4

Level Education	
Re-Licensure	Minn. R. 7200.3610
Licensure by Reciprocity	Minn. Stat. 148.915
Emeritus Registration	Minn. Stat. 148.9105
Volunteer Practice	Minn. Stat. 148.909

Licensure Process

The licensing and examination of new applicants and biennial renewals with mandated continuing education are necessary activities because they promote and ensure competent delivery of services and the safety of the public including minors and vulnerable adults who receive psychological services. Therefore, persons who are licensed by this Board have met certain standards of knowledge of this field as demonstrated through their formal training, experience and examination. Moreover, ongoing competence is maintained and enhanced by the Board's requirement of 40 hours of continuing education biannually.

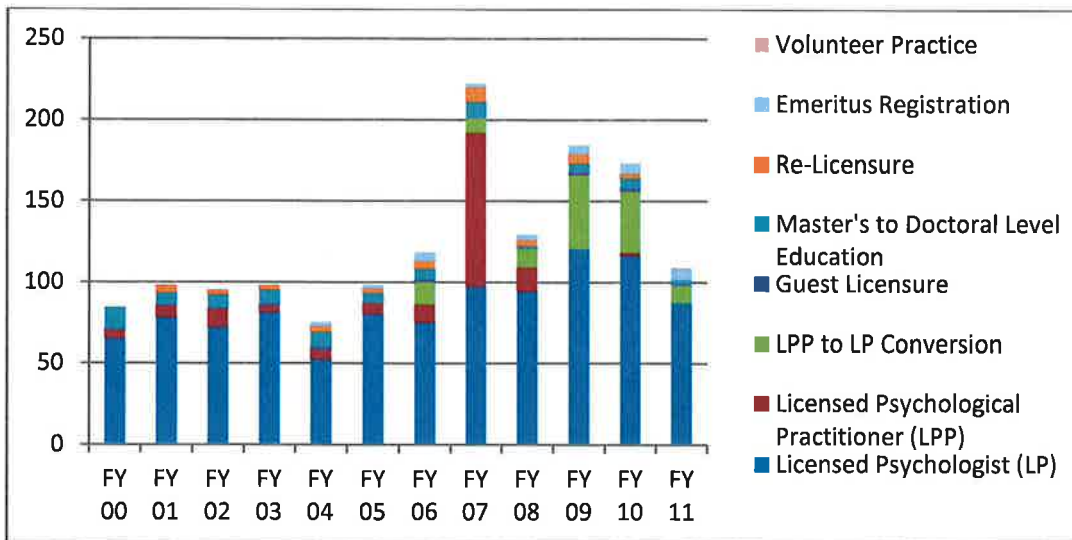
To become licensed by the Minnesota Board of Psychology as a Licensed Psychologist, applicants must comply with the education, supervised employment, and examination requirements set forth in the Minnesota Board of Psychology Practice Act. The licensure unit effectively and efficiently ensures applicant compliance with such requirements. Activities conducted by the licensure unit include but are not limited to:

- Primary source verification of licensure documents;
- Application review and processing;
- Written or oral contact with applicants to address discrepancies;
- Preparation and mailing of follow up correspondence for application processes;
- Creation and maintenance of electronic and paper files for applicants;
- Review to ensure all licensure documentation is in adherence with the Minnesota Board of Psychology Practice Act;
- Answer email and telephone inquiries regarding licensure process or other licensure related issues;
- Administration of all activities of the Professional Responsibility Examination (PRE) to include:
 - Schedule and notify applicants of admission;
 - Prepare all testing materials and schedule the examination site;
 - Proctor and grade the exams on a monthly basis;
 - Notify applicants of official scores in writing.

Efficiency & Effectiveness

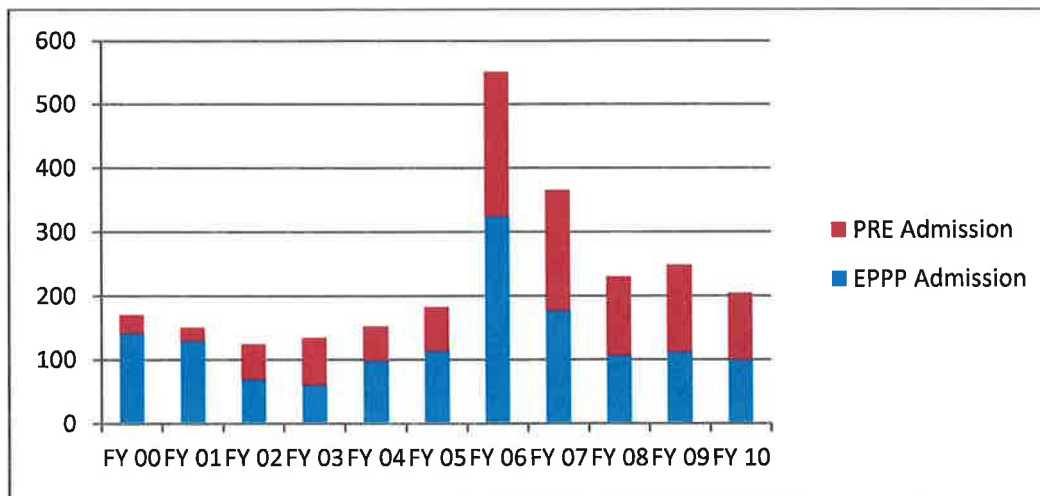
The number of licenses granted for licensure as a Licensed Psychologist and a Licensed Psychological Practitioner for the last 10 years are listed in the table below. The average number of licenses granted by the Minnesota Board of Psychology has steadily increased over the past decade. This upswing is an indication of the increased efficiency of the licensure unit. It may also point towards an increase in popularity of the profession.

	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11
Licensed Psychologist (LP)	65	78	72	81	52	80	75	97	94	120	116	87
Licensed Psychological Practitioner (LPP)	5	7	11	4	6	7	11	95	15	0	2	0
LPP to LP Conversion	0	0	0	0	0	0	14	9	11	46	38	11
Guest Licensure	1	1	1	2	2	0	2	0	0	2	2	1
Master's to Doctoral Level Education	13	7	8	8	9	6	6	10	2	5	6	2
Re-Licensure	0	5	3	3	4	3	5	9	4	6	3	0
Emeritus Registration	0	0	0	0	2	2	5	2	3	5	6	7
Volunteer Practice	0	0	0	0	0	0	0	0	0	0	0	1
Total	84	98	95	98	75	98	118	222	129	184	173	109



The table and chart below denote the number of applicants admitted to the Examination for Professional Practice in Psychology (EPPP) and the Professional Responsibility Examination from Fiscal Year 2000 to Fiscal Year 2010.

	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10
EPPP Admission	141	129	69	60	98	113	324	176	106	111	99
PRE Admission	29	21	55	74	54	69	227	189	124	137	105



In Fiscal Year 2010, the Board implemented new statutory language in the areas of licensure to increase mobility for experienced psychologists wishing to practice in Minnesota, licensure for voluntary practice to promote the provision of pro bono psychological services, and guest licensure to allow applicants for licensure to obtain temporary permits.

In 2010, Board staff conducted an internal audit on the licensure process to ensure statutory compliance, improve efficiency, and to better serve applicants and the public. As a result of the internal audit, delegated authority was sought from the Board to Board staff to enable staff to complete ministerial functions such as admission to examination and approval of a limited number of applications. As a result of the delegated authority, the time it takes for admission to examination was decreased by 91%.

Based on new application review procedures, Application Review Committee (ARC) processing efficiency increased and ARC meetings were shortened by approximately 3 hours per meeting for a cost savings of approximately \$135 per meeting.

Board staff continues to make improvements in efficiency and effectiveness, which includes a change from paper to electronic form of records. This renovation will include the ability for Board staff to create, use, and store all records in digital format. Not only will the new record

keeping system enable a more efficient licensure process, it will also reduce the agency's environmental impact.

Enforcement

Enforcement activities are necessary in that they further the mission of the Board to protect the public. Licensees are required to post notification in their offices indicating that complaints against them can be filed with this Board giving the contact information of the Board. The Board in turn has authority to investigate complaints and determine jurisdiction and whether a violation of the Psychology Practice Act or administrative rules has occurred and if there is sufficient evidence for the violation. The Board is authorized to take disciplinary action against the licensee through a Stipulation and Consent Order or a unilateral Board order following a contested case proceeding at the Office of Administrative Hearings (OAH). The Health-Related Licensing Boards' complaint investigation and hearing processes are described more extensively in Minnesota Statutes, section 214.103, subdivisions 1-10.

Pursuant to Minnesota Statutes, section, 148.941, if grounds for disciplinary action exist, the Board may take one or more of the following actions:

- (1) Refuse to grant or renew a license;
- (2) Revoke a license;
- (3) Suspend a license;
- (4) Impose limitations or conditions on a licensee's practice of psychology, including but not limited to, limiting the scope of practice to designated competencies, imposing retraining or rehabilitation requirements, requiring the licensee to practice under supervision, or conditioning continued practice on the demonstration of knowledge or skill by appropriate examination or other review of skill and competence;
- (5) Censure or reprimand the licensee;
- (6) Refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination grade if the board finds that it is in the public interest;
- (7) Impose a civil penalty...to discourage repeated violations, or to recover the board's costs that occur in bringing about a disciplinary order

In general, the purposes of the Board's disciplinary actions are to:

- Secure the safety of the public through such remedial actions and by identifying licensees who with discipline through the agency website and open record requests;
- Rehabilitate the licensee through board identified educational coursework or continuing education to allow for the competent provision of psychological services;

- Warn other licensees of the types of violations that the Board has sanctioned through public disciplinary orders;
- Deter future violations of the Psychology Practice Act.

The Board's complaint resolution unit, as supervised by the Executive Director, is comprised of two (2) full-time Investigators or Regulations Analysts, in concert with the Office of the Attorney General, conducts all enforcement activities in compliance with the Psychology Practice Act, rules, policies and procedures.

Board staff in conjunction with two Complaint Resolution Committees (CRCs):

- Create and maintain electronic and paper filed on all complaints;
- Investigate complaints and document all essential steps;
- Schedule Complaint Resolution Committee (CRC) meetings for triage of all complaints and settlement conferences;
- Negotiate Stipulation and Consent Orders for public disciplinary action;
- Monitor compliance with disciplinary orders and agreements for corrective action;
- Interact with parties to complaint, witnesses, and legal representatives;
- Prepare complaint materials for electronic distribution and review;
- Provide information to the public by telephone, written correspondence, provision of open record requests, agency publications, agency website, and presentations at professional conferences

Efficiency & Effectiveness

The Enforcement program affects persons who receive psychological services and licensees. All persons who receive psychological services are affected in that services are made safer through the enforcement activities of the Board. All licensees are affected because they must be vigilant in ensuring that they practice in accordance with the minimum standards of acceptable and prevailing practice in the psychological field within the State of Minnesota. Failure to do so may result in disciplinary action from the Board and possible loss of license.

On average a complaint investigation is completed in 6-8 months or less. However, some cases, particularly those alleging complex boundary violations or involving multiple clients may exceed that standard and take upwards of 12 months from receipt to resolution. Potential delays in closure include delays in receiving subpoenaed records, Attorney General scheduling of investigative interviews, receipt of the Attorney General's investigation summary and investigative data, as well as the level of cooperation of complainants and respondents.

**Complaints Received, Closed and Open
2004-2010**

Biennium	Complaints Received	Complaints Closed	Cases left open
7/1/2008-6/30/2010	261	295	Less than one year: 57 More than one year: 27
7/1/2006-6/30/2008	273	207	Less than one year: 162 More than one year: 78
7/1/2004-6/30/2006	249	233	Less than one year: 163 More than one year: 44

Upon receipt a complaint is subject to a series of administrative procedures, a preliminary determination of jurisdiction and of the violations, and an assessment of the need to subpoena records. An acknowledgement letter is sent to the complainant. The acknowledgement letter is sent to the complaint within three days of the receipt of the complaint.

Many factors determine when a case is ready to be presented to the CRC. The simpler the case, the faster it is presented to the CRC, for example, with complaints that exceed the statute of limitations, the entire complaint from receipt of complaint to closure letter sent to Licensee/Applicant could take 30 days or less.

Factually some cases may be more complex and require additional processing before being presented to the CRC. The complaint itself may require clarification of substantive issues, names or dates. Additionally, complainants may not respond immediately to requests for information. Records may need to be subpoenaed and most individuals respond within the ten day time limit. Once the Board is in receipt of the subpoenaed records the Regulations Analyst reviews the records with the complaint and will start to summarize the issues of the complaint with its supporting documentation for the CRC initial review or triage of the case.

Complaints are triaged by Board Priority Criteria noted below and Priority A-1 cases are transferred to the Office of the Attorney General immediately as statutorily required.

Board Priority Criteria	
Priority A-1	Abuse of vulnerable adult or minor Sexual contact with client
Sent to AGO	Failure to report abuse of minor or vulnerable adult

for investigation upon receipt of complaint	Violation of Order Impaired objectivity due to chemical dependency or abuse
Priority A-2 Priority A-2 and A-3 are investigated by Regulations Analyst.	Breach of confidentiality Impaired objectivity Violation of law Practicing outside of competence Testing and report irregularities Aiding and abetting unlicensed practice Exploitation of client Failure to protect the welfare of students, supervisee and research subject
Priority A-3	Failure to forward records Failure to terminate service Failure to refer client Misrepresentation Stereotyping Billing irregularities Failure to provide explanation of procedures Failure to disclose preferences and options for treatment Conflict between psychologist & client Failure to coordinate services with other professionals Unprofessional Conduct Non-jurisdictional

Emails inquiring about the complaint procedure or simple inquiries regarding Minnesota Rule or Statute are typically answered the same day. This includes emails sent directly to Regulations Analyst or forwarded to Regulations Analyst from other sources. Email correspondence with the identifying phone numbers in the signature line can be replied to by a phone call. The email response is general information only or citation to a Rule or Statute. Should a complainant submit a complaint status inquiry by email a letter is sent to the complainant at the address identified on the actual complaint form. The purpose is to ensure the response is in fact going to the complainant. The response is to inform the complainant of the Board's compliance with Minnesota Government Data Practices Act (MGDPA) Chapter 13. Complainant inquiries are carefully scrutinized to ensure the Board's compliance with MGDPA. During the course of an active investigation all data on individuals is considered confidential. Board staff reviews all emails with an attention to detail to avoid violating MGDPA.

Telephone calls are answered the same day they are received. Should a phone response need more time for researching the inquiry, the caller is informed when to expect a return call regarding their concern. All phone inquiries are handled the same as email inquiries with

respect the MGDPA. Regulations Analysts must be aware if a response to the phone inquiry would be a violation of MGDPA and respond accordingly.

Regulations Analysts also engage in significant public contact, education, and outreach. Approximately four (4) to six (6) times per month Board staff participate in in-person meetings with complainants, respondents, or the general public at the Board office in response to inquiries about the Board's complaint process. Additionally, 10-15% of the Regulation Analysts duties include responding to telephone inquiries from complainants, respondents, the Health Professional Services Program (HPSP) and general inquiries.

See, Complaint Resolution Process flowchart, attached as Appendix B.

Education

The Board fulfills its mission of educating the public through several means, including but not limited to, public Board and committee meetings, service on outside committees by Board members and staff such as the Council of Health Boards, the Health Professional Services Program (HPSP), and through committee membership within the Association of State and Provincial Psychology Boards (ASPPB). Additionally, Board staff provide on-site presentations, participate in sponsored speaker sessions, and design and offer Board sponsored continuing education conferences.

On-site Presentations

Throughout the year, Board staff meets with internship directors and their supervisees regarding licensure requirements and Board processes upon program request. Supervisees are given an opportunity to participate in question and answer sessions regarding the roles and responsibilities of the Board, applicant responsibilities in terms of educational requirements, post-doctoral experience guidelines, and other licensure or Board related concerns.

Board staff conducts on-site presentations to graduate students during their graduate ethics courses approximately four (4) times per year during doctoral training. Topics include Board structure, the complaint process, common pitfalls, and ethical issues. The sessions include the opportunity for direct question and answer feedback to future applicants and also serve to connect students to the regulatory body early in the educational process.

Recently, on November 30, 2011, the Executive Director and Vice Chair of the Board visited the University of Minnesota-Morris campus as invited speakers in an undergraduate program for psychology and related fields such as social work and liberal arts for the human services. The presentation focused on professional issues including dual or multiple relationships, questions of competency and confidentiality. The session was well attended and feedback was positive.

Participation in Sponsored Speaker Sessions

Board staff and Board members participate as speakers in professional conferences such as the Minnesota Psychological Association's Annual Conference to provide educational outreach on current Board issues, structure, legislative initiatives and topics central to the psychological community such as telepsychology, or the provision of psychological services via electronic means.

In November of 2010, the Executive Director also spoke at the Annual Meeting of the Citizens Advocacy Center (CAC) regarding scope of practice issues. Participation in the field on a national level provides not only an opportunity to educate the public regarding regulatory concerns within the State of Minnesota, but also creates a forum to obtain information that is both valuable and beneficial to the regulation of the practice of psychology in Minnesota on a broader scale.

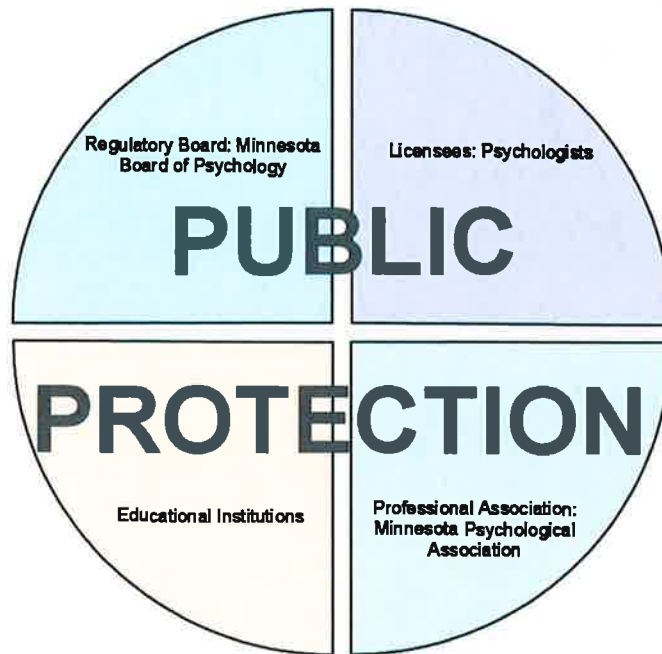
Board Sponsored Continuing Education

Beginning in 2005, the Board has served as a sponsor for state-wide continuing education conferences in an effort to provide free educational opportunities for licensees to facilitate the goal of educating the public on emerging issues in the psychological field.

On June 24, 2005, the Board hosted a seminar entitled, "The Changing Face of Psychology in Minnesota: Underserved Populations." The focus of this seminar was on the following underserved populations: African/African Americans, Southeast Asians, Native Americans and Latinos and ways in which psychologists could provide culturally competent services.

On March 20, 2009, the Board hosted a one-day seminar entitled, "The Practice of Psychology in a Changing World." This seminar addressed changes in brain imaging research and the implications on the practice of psychology. The seminar explored the ways in which changes in access to mental health care affects the care and treatment of elderly, veterans of war and individuals who are incarcerated.

Additionally, this seminar provided education for psychologists to help them prepare for client populations faced with caring for aging parents, returning to civilian status for members of the armed forces and the clients experiencing the impact of living with mental illness.



External Collaboration

The Health-related licensing boards, and specifically, the Board of Psychology serve a critical function in the role of public protection for the consumers of health care services in the State of Minnesota. The Minnesota Board of Psychology supports public protection through its regulatory, enforcement, educational and licensing roles. Each component, the regulatory body, the professional association, the licensees, and the educational institutions all work together to uphold a balance and critical functionality, that is, to ensure a well-protected public and to best serve the consumers of psychological services within the State. Removing any one piece of this cohesive model would skew and significantly impact public health and safety.

The Licensees: Psychologists

The licensees of the state of Minnesota are expected to provide psychological services in a manner that complies with the minimum standards of acceptable and prevailing practice. They are charged with knowing and following the statutes and rules to ensure the safe and effective delivery of mental health services. They are the direct link to the public, and therefore it is essential that the services they provide are safe, scientifically sound, and in line with the community standards for the provision of psychological services.

In a collaborative effort and in furtherance of the Board's mission for public protection, Board staff field calls from licensees and assist them with compliance with the appropriate statutes

and administrative rules. Licensees, and ultimately the public benefits from the existence of this regulatory body through Board sponsored continuing education opportunities and as a resource for the practice of psychology in Minnesota. The interconnected nature of the agency and the existence of Board subject matter experts assure a diversified agency capable of providing guidance to practicing psychologists on many practice issues based on field expertise.

Elimination of the Board would negatively affect public safety by removing the compliance and accountability component within the practice of psychology. Licensees would not be held responsible for their actions through appropriate complaint investigation or disciplinary proceedings conducted by Board members with education, training and experience in the field of psychology as is currently the practice.

The Educational Institutions

The educational institutions are also one of the components of the safe and competent provision of psychological services. Within the field of psychology psychologists with a doctorate degree qualify for a wide range of teaching, research, clinical and counseling positions in universities, health care services, elementary and secondary schools, private industry and government.

The Board, through statute and administrative rule, set the minimum standards for the education of all licensed psychologists in the State. The educational institutions are thus charged with the education of those wishing to practice psychology no matter what field of specialty and must prepare students by imparting the appropriate education and training. As a partnership to promote public protection, the Board collaborates with educational institutions to inform students as potential applicants, about the licensure and practice requirements through on-site presentations and discussion sessions.

The Professional Association: Minnesota Psychological Association

The mission of the Minnesota Psychological Association (MPA) is to enhance public and psychological interests by promoting the science of psychology and its applications. MPA seeks to enhance the social and economic status of the profession and serves psychologists in terms of educational opportunities, legal and ethical services. MPA is divided into the following divisions: academic psychology; clinical psychopharmacology and collaborative practice; doctoral level professional practice; forensic psychology; multicultural services; new psychologist network; psychoanalytic studies; psychologists in private practice; public service psychologists; rural and greater Minnesota; and women in psychology;

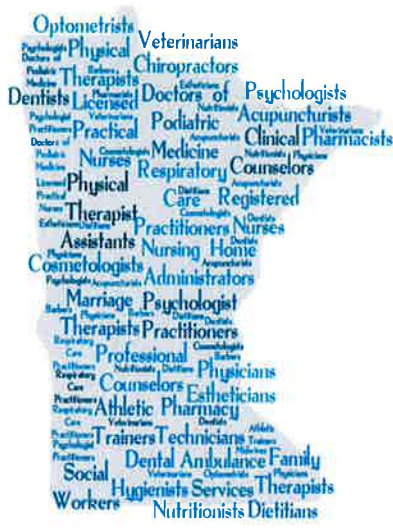
The Board continuously strives to establish a positive relationship with MPA to further educational and outreach opportunities within the profession. While both serve a critical

function in the State of Minnesota for psychologists, and both emphasize education as a key service, the audience and missions differ significantly. MPA's target audience is the psychologist, while the Board exists to protect the public and to keep psychologists accountable to the statutes and administrative rules within the profession through education, licensing and enforcement actions.

Absent the Board, the public would only have the educational institutions and the professional association, each with their individual goals, rather than a regulatory body with specific training, education and experience charged with ensuring public protection.

Internal Collaboration

The Minnesota health-related licensing Boards regulate 18 health related occupations comprised of skilled professionals. HLBs main mission is to protect the health, safety and welfare of the citizens of the State of Minnesota. HLBs issued licenses to over 12,000 licenses and renewed over 200,000 in 2009. HLBs also establish and enforce standards of ethical conduct and investigate and resolve complaints against regulated health professionals.



This board acts in a collaborative manner with the other HLBs. The Board participates in the Executive Directors' Forum as a way to improve agency efficiency and in an administrative resource share. Specifically, the Board utilizes the Administrative Services Unit (ASU) as a shared uniform entity for many of its administrative functions.

Administrative Services Unit

Since 1998 the Minnesota Health-Related Licensing Boards have worked together to implement and enhance administrative efficiencies. In 1995, the boards voluntarily and informally created the Administrative Services Unit (ASU) which was statutorily formalized in 2011 (Minnesota Statutes, section 214.07).

The ASU is funded by all the independent boards and consists of 7.12 FTE staff members who perform shared administrative and business services for all the boards. Under this organizational structure, the Board realizes increased efficiencies opposed to each board individually employing a personnel officer, financial coordinator, payroll specialist, or a contract and purchasing expert.

ASU provides shared service to the Boards in the areas of finance, budgeting, accounting, purchasing, reporting, banking, human resources, professional and technical contracts, information technology, policy development and payroll.

ASU also facilitates the Boards' cooperative policy and planning efforts, and coordinates the Voluntary Health Care Provider Program (which provides malpractice coverage for physicians, physician assistants, dentists, dental hygienists, and nurses serving in a voluntary capacity at a charitable organization).

ASU's annual budget is determined by the Executive Directors Forum, and the oversight of ASU is assigned on a rotating basis to one of the Health-Related Licensing Boards; the current ASU oversight Board is the Minnesota Board of Examiners for Nursing Home Administrators. ASU is managed through the Executive Directors Forum's Management Committee.

Information Technology Workgroup

The Board voluntarily participates under the auspices of the Executive Director Forum, in an Information Technology Work group. This group is responsible for coordination of HLB technological projects and implementation of technological improvements. The HLBs have developed cooperative IT capabilities. This collaborative structure will now become part of the states IT enterprise through the Office of Enterprise Technology.

Online Services

As of June 30, 2010, a total of 252,724 persons were licensed or registered by the Health-related licensing boards. A total of 260,158 credentials were issued or renewed during the biennium ending June 30, 2010. The Boards have successfully utilized online services to efficiently provide licensing and renewal services, as well as to provide many other advanced services through technological improvements.

The Board of Psychology supports electronic technology to ensure efficient licensing processes for Minnesota Licensees. Currently the Board has completed design and is in the final testing phase of being able to offer electronic renewal of licensees as well as online verifications. The Board response time to customer inquiries is within 24 hours. The Board uses advanced technology to provide an interactive usable website for public access.

In order to improve efficiency and reduce costs, in 2010 the Board began transitioning into what will be a paperless agency. The first phase of the project was the purchase of laptops for each Board member and key Board staff members. This implementation allowed the Board to move away from the use of paper for Complaint Resolution Committees (CRC) meetings, a process that was heavily paper-based. With this move the Board was able to:

- Dramatically reduce the use of paper;
- Increase security of confidential data;
- Reduce staff time spent in preparing files for CRC meeting;
- Reduce fringe costs such as: Printing, copying, ink, courier, document destruction, etc.;
- Enable out-state Board members to participate in meetings via teleconference (in progress)

The next phase of this project is to transition other paper based processes onto computer based processes, this include: Application for licensure, license verifications, license renewal, public request for information, etc. The leadership team of the Board recognizes this will greatly improve the turnaround time for most, if not all, of these processes while at the same time reduce costs, increase staff efficiency, and lessen the environmental impact of our agency.

Information Technology

In FY 2010, the Board moved an online licensure renewal and verification project into final testing as an investment in technology and improvement in services offered for licensees and public users. The Board also invested in laptop computers for board members and staff and is in Phase I of the electronic transmission of meeting documents.

On November 18, 2011, the Board conducted its first meeting utilizing laptops and the transmission of meeting materials via an electronic document portal. In addition to the ease of immediate document access, the shift to digital meetings will provide significant cost savings to the agency in terms of paper resources, the creation of copies, confidential document destruction, and courier/mailing costs. In addition to material cost savings, this new initiative will provide for increased security and confidentiality of meeting materials and data management.

The Board evaluates its processes and services weekly through management meetings to improve process efficiency. Recent modifications to process include rewriting of the Board's

Voluntary and Board License Termination processes. In updating and revising these processes, the Board sought out database revisions to improve outside reporting functionality, including a voluntary initiative to create an intra-agency report to the Department of Human Services (DHS) to better meet their needs for public licensure verification.

The Board anticipates launching new functionality to the public for online services, in December, including "License Look Up," which allows members of the public to obtain information regarding the licensure status of licensed psychologists in the State of Minnesota.

The Board utilizes its website as a forum for public information and regularly updates its content based on the fluidity of information or public feedback. Recently, the Board provided website updates in response to two concerns, one, hours of operation, and two, information on how to apply to be a Board member.

Section III. Authority for Additional Activities Not Specified in Statute

Identification of any activities of the Board in addition to those granted by statute and of the authority for those activities and the extent to which those activities are needed;

Council of Health Boards

The Board participates as a member on the Council of Health Boards to review legislative proposals relating to the regulation of health occupations as permitted by the language below:

The health-related licensing boards may establish a Council of Health Boards consisting of representatives of the health-related licensing boards and the Emergency Medical Services Regulatory Board. When reviewing legislation or legislative proposals relating to the regulation of health occupations, the council shall include the commissioner of health or a designee. Minn. Stat. sec., 214.001, Subd. 4

During the biennium, legislative requests were made to the Council to review proposed legislation, and the Council sent the Legislature reports regarding the following:

- Body Artists
- Laboratory Technicians
- Massage Therapists
- Genetic Counselors
- Review of Criminal Sexual Conduct as consideration in denial or revocation of professional license
- Review of Minnesota Chapter 214 for process improvement

Health Professionals Services Program (HPSP)

Pursuant to statutory mandate, each Health-Related Licensing Board, and the Emergency Medical Services Regulatory Board (EMSRB) under Chapter 144E, shall either conduct a health professionals service program under Minnesota Statutes, sections 214.31 to 214.37 or contract for a diversion program under Section 214.28.

The Board utilizes the Health Professional Services Program (HPSP) as statutorily authorized as a diversion program within its complaint resolution and disciplinary process. The HPSP serves to monitor providers who demonstrate a potential inability to practice psychology with reasonable skill and safety either on a voluntary enrollment basis or through a mandatory Board referral.

At present, all Health Licensing Boards, the Emergency Medical Services Regulatory Board, and additional professions regulated by the Department of Health, participate in HPSP.

Executive Directors Forum

The Executive Directors (ED) Forum consists of the Executive Directors of each independent board. The Forum meets at least once a month to discuss issues and concerns affecting all boards, and is governed by standard set of Bylaws. The Forum was created with a goal of voluntarily working together on matters of common concern, thus increasing the efficiency and effectiveness of each individual board. The Forum establishes committees to develop recommendations for consideration by the Forum. These committees include the Policy Committee and the Management Committee. The primary objective of public safety is achieved most effectively if primary staff is assigned to focus on a specific health profession. To assure fiscal efficiency, boards review general objectives and promote cooperation among the boards through the Executive Director Forum in an effort to eliminate duplication of similar effort. The Forum reviews general objectives, reviews policy, promotes intra-board cooperation, assures fiscal efficiency, and eliminates duplication of similar effort.

Some of the tasks accomplished through the action of the Executive Directors Forum include:

- Virtualization of servers, resulting in substantial savings and greater storage capacity. On behalf of the Executive Directors Forum, a submission was made to the National Association of State Chief Information Officers (NASCIO) for Disaster Recovery Planning, regarding the Health Licensing Boards' project of virtualizing its servers arising from its development and application of its Continuation of Operations Plan (COOP).
- Further technological advances include addition of a Shared Storage Area Network (SAN), tripling storage capacity of the Boards, and advances toward using technology at Board meetings to reduce reliance on paper documents.
- Participation in cooperative efforts with the Department of Health and among the Boards to share information regarding licensee / registrant investigations in full compliance with Data Practices Act requirements, including ad hoc Just Culture / Health

meetings regarding coordinating Department of Health investigations and Health Board investigations, and exchange of information under Section 214.10, Subd. 8 (c). This has included development with the Attorney General Office of a data sharing memo that permits joint investigations to be conducted among health licensing boards, and provides for sharing of investigative data.

- Reviewing requirements and limitations pertaining to criminal background checks of applicants, and received updates on proposed legislation from law enforcement entities.
- Response to surveys regarding IT capacity, security and functionality.
- Enactment and approval of the Boards' first AWAIR plan, in compliance with federal and state requirements.
- A joint workforce planning report was completed, to prepare for ensuring qualified, competent workforce.
- The ED Forum worked collaboratively in providing information to MN Responds! to ensure that credentials of licensed health professionals are quickly available in case of a major emergency, as well as arranging for regular transfer of data between Department of Health and health licensing databases.
- Electronic governmental services were increased and improved, and include expanded information available online and greater interactivity, as well as heavy use by licensees of online renewal services.

Individual board staff and Executive Directors participated in numerous organizations regarding health and safety, including:

- Minnesota Alliance for Patient Safety
- National Board of Medical Examiners Committee on Irregular Behavior and Score Validity for the United States Medical Licensing Examination.
- National Association of Boards (NAB) Executive Committee
- State Executive Forum and State Governance Committees of the National Association of Boards
- Future Workforce Analysis Cabinet in Washington, D.C.
- Association of Chiropractic Board Administrators
- National Council of State Boards of Nursing Commitment to Ongoing Excellence (CORE) project
- Minnesota Center for Nursing
- Minnesota Alliance for Patient Safety
- Home Care Advisory Group
- Department of Human Services' Dental Access Advisory Committee
- Department of Human Services task force on licensing standards
- State Information Security Council
- HPSP Program Committee
- Drive to Excellence Licensing Steering Committee
- Drive To Excellence Procurement
- Drive to Excellence Sourcing Communication

- Drive To Excellence MAPS Project
- Continuation of Operations Planning (COOP)

Management Committee

The Management Committee makes recommendations to the Executive Directors Forum on issues relating to the internal management of the boards' cooperative activities. The responsibilities of the committee include the following:

- Management of the Administrative Services Unit budget and review of ASU performance
- Through the Administrative Services Unit, administers shared conference rooms and shared equipment, such as copiers
- Coordinating the boards' computer collaboration efforts
- Developing recommended policies and procedures for all boards, and reviewing best practices
- Oversight of the Administrative Services Unit

The Executive Director of this Board served as the Chair of the Management Committee in furtherance of the objectives stated above.

Policy Committee

The functions of the policy committee have been to make recommendations to the Executive Directors Forum on issues relating to public policy. The responsibilities of the committee have included the following:

- Reviewing legislative proposals
- Making recommendations on legislative initiatives affecting all the boards
- Undertaking efforts to make investigative data more readily available to share among health boards

Information Technology Workgroup

Under the auspices of the Executive Director Forum, an Information Technology Work group has been in operation for several years, and this group is responsible for coordination of HLB technological projects and implementation of technological improvements.

Section IV. Authority related to Fees, Inspections, Enforcement

An assessment of authority of the agency relating to fees, inspections, enforcement penalties

Pursuant to Minnesota Statutes, section 148.905, subdivision 1(7), the Board shall:

[E]stablish and collect fees for the issuance and renewal of licenses and other services by the board. Fees shall be set to defray the cost of administering the provisions of section 148.88 to 148.98 including costs for applications, examinations, enforcement, materials, and the operations of the board.

The Board administers the following nonrefundable fees in connection with the purpose and authority cited below:

Licensure Fees

Fee	Description	Authority
\$150	Application for admission to national standardized examination (EPPP)	Minn. R. 7200.6100 (A)
\$150	Application for professional responsibility examination	Minn. R. 7200.6100 (B)
\$500	Application for licensure licensed psychology	Minn. R. 7200.6100 (C)
\$500	Renewal of license for a licensed psychologist	Minn. R. 7200.6100 (D)
\$250	Late renewal of license for licensed psychologist	Minn. R. 7200.6100 (E)
\$250	Application for licensure as a licensed psychological practitioner	Minn. R. 7200.6100 (F)
\$250	Renewal of licensed for a licensed psychological practitioner	Minn. R. 7200.6100 (G)
\$125	Late renewal of license for a licensed psychological practitioner	Minn. R. 7200.6100 (H)
\$150	Application for converting from master's to doctoral level licensure	Minn. R. 7200.6100 (I)
\$150	Application for guest licensure	Minn. R. 7200.6100 (J); Minn. Stat., sec. 148.916, subd. 1a(b).
\$250	Licensure for volunteer practice	Minn. Stat. sec. 148.909, subd. 8
\$150	Emeritus Registration	Minn. Stat., sec. 148.9105, subd. 1
\$500	LPP to LP Conversion	Minn. Stat., sec. 148.907, subd. 5 (2)
\$25	Corporation Annual Report	Minn. Stat., sec. 319B.11, subd. 4(a)(8)(b)

\$100	Corporation Initial Filing	Minn. Stat., sec. 319B.11, subd. 4(a)(3)
\$50/\$25	OET Licensure Surcharge	Minn. Stat., sec. 16E.22

Continuing Education Fees

Fee	Description	Authority
\$80	Continuing education sponsor fee	Minn. R. 7200.6105

Enforcement Fees

Fee	Description	Authority
\$7,500 per violation	Civil Penalty	Minn. Stat., sec. 148.941, subd. 2 (b)(11)(iv)(b)(7)

Administrative

Fee	Description	Authority
\$25	Certificate replacement fee	Minn. Stat., sec. 148.905, subd. 1(7)
\$5	Mailing Lists	Minn. Stat., sec. 148.905, subd. 1(7);
\$10	Statute and Rule Book	Minn. Stat., sec. 148.905, subd. 1(7)
\$20	Verification Receipts	Minn. Stat., sec. 148.905, subd. 1(7)
TBD	Credit card clearing fees	Minn. Stat., sec. 148.905, subd. 1(7)

Section V. Regulation and Public Protection

Whether a less restrictive or alternative method of performing any function that the agency performs could adequately protect or provide service to the public

Regulatory Authority. The Board, like all US and Canadian jurisdictions, licenses licensed psychologists (LP) and believes this is the appropriate level of regulation for psychologists. Psychologists work directly with vulnerable populations and incompetent or unethical practitioners are a significant risk of harm to the patients for whom service is provided and the

general public. The Board also registers psychological firms pursuant to Minnesota Statutes section 319B. Registration is the least restrictive of regulatory authority.

Fiduciary Obligation. Minnesota Statutes section 16A.1285 requires the Board to collect fees sufficient to cover expenditures. Fees collected are deposited in the Special Government Revenue Fund and appropriated by the legislature. An alternative and less burdensome method would be for the Board to have fiscal authority without this legislative appropriation. Fees established by the legislature and oversight by the Minnesota Management and Budget (MMB) would provide external and internal audit control mechanisms and assurance to the public of compliance with Minnesota law and best accounting practices while deleting a layer of bureaucracy.

Legal Services. Minnesota statutes, section 214.04, subdivision 1 (a) requires “legal and investigative services be provided by employees of the attorney general assigned to the departments servicing the boards.” The Boards of Dentistry, Medical Practice, Nursing, and Psychology on a case-by-case basis, have implemented a system in which Board staff draft legal documents of notice rather than the Office of the Attorney General (AGO). The AGO reviews the documents for accuracy and compliance with law. This practice has resulted in a 50% decrease in the time from receipt of complaint to a review before the Board for the Medical Practice, Dentistry, and Nursing Boards. A logical expansion of this practice would be for the Health-Related Licensing Boards to retain their own legal counsel and investigative staff rather than contracting with the AGO; thus, eliminating a layer of involvement. Legal and investigative services would be shared among the Health-Related Licensing Boards on a fee for use basis. Based on the experience with drafting of notices, complaint resolution time would be reduced, and public safety enhanced.

Section VI. Agency Structure and Program Administration

The extent to which the jurisdiction of the Board and the programs administered by the Board overlap or duplicate those of other agencies, the extent to which the Board coordinates with those agencies, and the extent to which the programs administered by the Board can be consolidated with the programs of other state agencies;

The Minnesota Board of Psychology is the sole agency charged with protecting the public from the practice of psychology by unqualified persons and from unethical or unprofessional conduct by persons licensed to practice psychology. There is no agency, public or private, that is duplicative of the function performed by this Health-Related Licensing Board in the psychology field.

Specifically, the Board is created and operates pursuant to the intent and purpose as stated in Minnesota Statutes, Chapter 214:

The legislature finds that the interests of the people of the state are served by the regulation of certain occupations. The legislation further finds: (1) that it is desirable for boards composed primarily of members of the occupations so regulated to be charged with formulating the policies and standards governing the occupation; (2) that the economical and efficient administration of the regulation activities can be achieved through the provision of administrative services by departments of state government; and (3) that the procedural fairness in the disciplining of persons regulated by the boards requires a separation of the investigative and prosecutorial functions from the board's judicial responsibility.

Minn. Stat. sec., 214.001, Subd. 1.

The Board shares with Minnesota's other Health-Related Licensing Boards in the responsibility of protection of the public through licensing and complaint resolution.

Although, Minnesota's 18 Health-Related Licensing Boards share in the common goal of public protection, they diverge significantly in their education, training and expertise needed to promote excellence in regulation and licensing of each individual profession.

The Board of Psychology cooperates with other Health-Related Licensing Boards through participation in the Executive Director's Forum, and its respective committees and through representation on the Council of Health Boards. The Board collaborates often with three of the other mental health boards, including, the Minnesota Board of Social Work, the Minnesota Board of Marriage and Family Therapy, and the Minnesota Board of Behavioral Health and Therapy.

Specifically, the Board is authorized to share investigative resources when subjects of investigation maintain overlapping licensure credentials, and does so effectively. This includes costs associated with investigations conducted by the Office of the Attorney General, as well as through the referral of non-jurisdictional complaints.

The experience of the national association in the field of psychology, and that of individual jurisdictions demonstrates that consolidation of the Board's regulatory functions both licensing and enforcement would be inadvisable.

The Association of State and Provincial Psychology Boards (ASPPB) is the association of all the state and provincial psychology regulatory boards located throughout the United States and

Canada, based on information provided by ASPPB, efforts in other states to consolidate separate mental health boards in order to produce cost savings or to simplify the regulatory process for consumers of professional services have shown that neither of these goals is likely to be attained. Rather the typical result of such efforts is only a weakening of the consumer protection afforded by a strong psychology regulatory board.

This year ASPPB is celebrating 50 years of experience assisting the legislatively appointed and recognized psychology regulatory authority in each state to accomplish its mission to protect the public. ASPPB developed and still provides the Examination for Professional Practice in Psychology (EPPP) the objective licensing exam used by every psychology licensing board in the United States and Canada. In addition, ASPPB developed and maintains the Disciplinary Data System which is an on-line searchable data base of all disciplinary actions taken against licensed psychologists that also serves to protect the public from incompetent or unethical practitioners. ASPPB also provides model language for licensing legislation and rules that seek to help regulatory boards avoid the mistakes and omissions that have been experienced by boards in other jurisdictions. In short, ASPPB is dedicated to making psychology regulation efficient, effective and focused on protecting the consumer of psychological services by assisting its member boards to adopt the best practices in the field of credentialing and regulation.

Over its history, ASPPB has had experience with some jurisdictions attempting to streamline state government, create efficiencies of scale or save state revenues by consolidating a number of disparate mental health professions under a single regulatory board. It is ASPPB's position these efforts have typically resulted in little if any savings to taxpayers and more importantly significantly less effective regulation of the professions involved. This unfortunate outcome from an otherwise worthy goal seems to result from the fact that the professions of psychology, psychiatry, psychiatric nursing, counseling, marriage and family therapy, and clinical social work all evolve from different models of education and training, different theories of behavior and treatment practices, and separate ethical codes that describe appropriate professional conduct. In several instances (most recently Colorado), the creation of an "omnibus" mental health board combining psychology, counseling and social work was reversed just a few years later and the separate regulatory boards were re-established for each profession. In the past few years, legislatures in states of California and Washington have considered and ultimately rejected proposals to consolidate psychology boards with other mental health regulatory boards. And since the professional regulatory boards in most states are self-supporting from fees collected from licensees, there are no real savings to state government from moving to a combined mental health board.

Furthermore, combined mental health boards are confusing to the consumers of mental health services who already have great difficulty understanding the differences between psychologists,

psychiatrists, counselors and social workers. Combined boards also make taking disciplinary action against a practitioner more difficult because each discipline represented on the combined board has fewer representatives of that discipline to review complaints and conduct hearings. Psychology is a diverse profession encompassing practice with many client populations (e.g. children, adolescents, adults, older adults), with a broad range of problems from marital difficulties and child behavior management issues to treatment for substance abuse, pain management, and major emotional disorders like depression, bi-polar disorder. These populations and problems are also addressed in a variety of work settings including public and private hospitals, public schools, community mental health centers, veterans' hospitals, juvenile justice centers, in-patient psychiatric facilities, college counseling centers and private offices. This diversity of clients, services and settings where those services are provided present huge challenges to those seeking to regulate the profession and protect the public from incompetent or impaired professionals. This public confusion and difficulty with hearing disciplinary cases would also be true of the other mental health professions represented on a combined board for many of the very same reasons it is problematic for regulating psychologists.

In sum, it is ASPPB's long held position that the citizens of any state or province will be better served and protected when the profession of psychology is regulated in that jurisdiction by a regulatory body comprised of professional psychologists and consumer representatives. In ASPPB's opinion consolidated professional regulatory boards increase consumer confusion in identifying competent psychologists, inappropriately place mental health providers with divergent functions under one licensing board, and do not result in any true cost savings or greater efficiency.

Of note is a report prepared by Anna Bonelli, Research Analyst, entitled, "Health Licensing Boards and Governance Structure," dated December 1, 2003. The study addressed the critical question of, "What type of government structure makes for the most effective boards?" In exploring this question, the Bonelli report was to:

1. Explore and clarify models of professional regulation;
2. Define what it means for regulating bodies to be "effective,"; and
3. Describe models of occupational regulation in terms of criteria for effectiveness.

In general the findings of the Bonelli report with respect to governance structure were akin to the findings of the Office of the Legislative Auditor in 1999: "We found no convincing evidence that any particular organizational arrangement or process provides an assured solution to any given problem associated with occupational regulation."

However, Bonelli's findings did support the conclusion that "cooperation among the boards is beneficial for regulators." To that end, the health-related licensing boards model of voluntary co-location, shared administrative resources, and continual interagency cooperation, and self-instituted joint committees is beneficial for the State of Minnesota and health-related regulation.

Section VII. Complaint Resolution Process

The promptness and effectiveness with which the agency addresses complaints concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearings process

Section II, of this report, Enforcement describes the Board's complaint process with respect to promptness and effectiveness.

Complaint Process

In general the Board receives and acknowledges complaints within three (3) days of receipt, and often within 24 hours. Acknowledgement letters are provided to complainants to inform them of the complaint process and the complaint's status as confidential under the Minnesota Government Data Practices Act (MGDPA).

As a first step, complaints are reviewed for a determination of jurisdiction and violations of the Psychology Practice Act and triaged according to the priority system detailed in Section II of this report. Pursuant to the requirements of Chapter 214, complaints alleging violations of a sexual nature and those of potential mistreatment of children or vulnerable adults are referred immediately to the Office of the Attorney General for investigation.

Complaints deemed jurisdictional are logged, and staff assigned to one of the full-time Regulations Analysts for processing. Each complaint received is considered on an individual case-by-case basis and documents gathered accordingly. Once the file is ready for review, it is assigned to one of the Board's two Complaint Resolution Committees (CRCs) and uploaded to an electronic portal for CRC review and consideration. Each CRC is typically comprised of two professional psychologist members of the Board and one public member. Each CRC meeting is staffed by two Regulations Analysts and the Executive Director for administrative support, as well as a representative from the Office of the Attorney General to assist in complaint review.

CRCs are authorized to close complaints, request additional information, schedule educational conferences with licensees, or to issue a Notice of Conference (NOC) to initiate a potential disciplinary proceeding. Should the CRC elect to conduct a conference pursuant to an NOC,

following the conference, the CRC has the option to dismiss the matter, offer an Agreement for Corrective Action (ACA), or a Stipulation and Consent Order in order to resolve the complaint.

Agreement for Corrective Action

An Agreement for Corrective Action (ACA) is an agreement between the licensee or applicant and the CRC. The document is non-disciplinary, but public, and therefore accessible to anyone who requests a copy. The intent of an Agreement for Corrective Action (ACA) is to remediate and educate a licensee in an area of practice that the CRC has identified through the complaint process in instances where the CRC has determined that in the interest of public safety, the licensee would benefit from additional education or training.

Following the execution of an ACA, Board staff work with the licensee to ensure compliance with the terms of the ACA. Board staff also facilitates completion of the terms and conditions of the ACA which often includes the receipt and review of reports, case files, or other CRC requested documents.

Stipulation and Consent Order

A Stipulation and Consent Order is a public disciplinary document offered to a licensee by a CRC when, following an investigation, and most often, a conference appearance by the licensee, a licensee's conduct is determined to be a violation of the Psychology Practice Act. The Stipulation is a formally executed written agreement offered in the interest of settlement from the CRC to a licensee. Stipulations must be presented by the CRC to the full Board of Psychology for final approval.

The available remedies within a Stipulation are enumerated in Minnesota Statutes, section 148.941, subdivision 2, and include, but are not limited to: (1) refusing to grant or renew a license; (2) revocation of licensure; (3) suspension of licensure; (4) impose limitations or conditions on a licensee's practice of psychology; (5) censure or reprimand the licensee; (6) refuse admission to examination; (7) impose a civil penalty not to exceed \$7,500 for each separate violation.

All disciplinary actions taken against a psychologist's license are reported to the Association of State and Provincial Psychology Boards (ASPPB), the National Practitioner Data Bank (HPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) and posted on the Board's website.

Contested Cases

In the event a complaint is unable to be resolved with an ACA or a Stipulation and Consent Order, the matter may proceed to a contested case hearing in front of an independent

Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH). Following a trial-like process where each side, CRC and licensee are able to present evidence to support their respective positions, the ALJ issues Findings of Fact, Conclusions and Order and a recommendation either that discipline is warranted, or that discipline is not warranted.

Once the ALJ's recommendation is complete, the hearing record is transferred back to the Board for review and consideration. The matter is then presented to the full Board (minus the CRC that prosecuted the case in front of the ALJ) to craft the final remedy. The Board serves in its judicial capacity and makes a final determination on whether the licensee should be disciplined or not and the appropriate remedy within the statutory limitations under Minnesota Statutes, section 148.941. At the conclusion of the process, the Board issues a final order that is appealable to the Minnesota Court of Appeals.

Below is a summary of complaints received by the Board, closed complaints, open complaints, and trend data over a 10 year period.

Open Complaints											
Item	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	10 Year Average
Complaints Open	473	460	380	255	282	195	183	207	213	240	288.80
Less than 3 Months	43	31	36	42	62	75	46	67	74	56	53.20
Open 3 to 6 Months	34	25	23	24	31	24	40	51	57	46	35.50
Open 6 to 12 Months	58	54	19	33	32	20	38	45	48	60	40.70
Open More Than 1 Year (explain)	338	350	302	156	157	76	59	44	34	78	159.40

Of the 10 year average of complaints receive only 55% of complaints required more than 1 year to conclude an investigation. 18% of complaints opened were closed within 3 months, 12% were closed within 6 months and 14% of the complaints opened required 12 months or less to

Closed Complaints											
Item	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	10 Year Average
1. Number Closed	137	164	197	276	216	138	107	126	94	113	156.80
2. Disposition by Type											
A. Revocation		1	1	4	0	1	0	0	4	1	1.33
B. Voluntary Surrender	3	2	1	1	2	1	0	1	0	0	1.1
C. suspension	1	2	2		1	1	4	1	4	2	2.00
D. Restricted, Limited, Or Conditional License	3	3	3	5	3	3	3	1	1	1	2.60
E. Civil Penalties					4	0	0	1	1	1	1.17
F. Reprimand			1				0	1	1	0	0.60
G. Agreement for Corrective Action (ACA)	3	1	3	2	7	6	5	2	3	4	3.60
H. Referral to HPSP	0	0			1	3	2	3	0	0	1.13
I. Dismissal or closure	122	138	186	264	204	126	95	117	82	106	144.00
3. Cases closed that were open for more than one year	77	92	133	173	135	78	16	22	13	21	76.00

The number of complaints resulting in the revocation or voluntary surrender of a licensee's license to practice psychology is less than 2%. Suspensions, restricted, limited, or conditions placed on a licensee' license to practice psychology are the remedies used in 4% of the disciplinary actions issued by the Board. Complaints resulting in Agreement For Corrective Action are less than 3% of the complaints closed.

Complainants Received											
Item	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	10 Year Average
Complaints Received	161	151	117	151	137	122	117	132	149	124	136.10
Complaints Per 1,000 Regulated Persons	43.63	41.14	31.06	39.22	37.92	33.95	32.28	36.2	38.85	32.09	36.63
Complaints By type of complaint											
A. MS 148.941, Subd 2a (1)	102	111	72	69	88	93	57	79	89	76	136.10
B. MS 148.941, Subd 2a (2)	4	1		1	3	1	4	0	2	0	1.78
C. MS 148.941, Subd 2a (3)	45	30	10	46	17	3	25	17	26	24	24.30
D. MS 148.941, Subd 2a (4)			1		3	1	1	0	0	0	0.86
E. MS 148.941, Subd 2a (5)			1		0	0	1	2	0	0	0.57
F. MS 148.941, Subd 2a (6)			1	1	4	2	0	1	1	1	1.38
G. MS 148.941, Subd 2a (7)					0	0	0	0	0	0	0.00
H. MS 148.941, Subd 2a (8)					1	0	4	12	6	3	4.33
I. MS 148.941, Subd 2a (9)			1	1	1	0	0	0	0	0	0.38
J. MS 148.941, Subd 2a (10)			2	5	3	3	3	3	9	7	4.38
K. MS 148.941, Subd 6	4	5	7	3	2	0	4	3	0	0	2.80
L. MS 148.96	3		3	7	1	6	6	4	4	1	3.89
M. Non Jurisdictional	3	4	19	18	14	13	12	11	12	12	11.8

Trend Data At End of FY											
Item	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	10 Year Average
Persons Licensed	3698	3677	3767	3850	3673	3953	3642	3644	3835	3863	3760.20
Complaints	161	151	117	151	137	122	117	132	149	124	136.10
Complaints Per 1,000 Licensees	43.75	41.14	31.06	39.22	37.3	33.95	32.38	36.22	38.85	32.09	36.60
Open Cases	473	460	380	255	282	195	183	207	213	240	288.80

The first half of the ten year window of FY 1999 through FY 2008 shows a steady increase in the number persons licensed. FY 2005 shows a dip in the number of persons licensed and then a steady climb upward ending the ten year window with a total of 3863 licensee. The ten year average number of complaints received per average number of persons licensed is actually less than 4%.

The chart below and analysis looks at the prevalence of complaints received to disciplinary actions and agreements for corrective action issued from FY80 to FY11.

Minnesota Board of Psychology Complaint Statistics

Fiscal Year (July 1 to June 30)	# of Complaints Received	# of Disciplinary Actions	# of ACA's ACA = Agreement for Corrective Action (non-disciplinary)
FY 80	20	1	0
FY 81	21	1	0
FY 82	24	7	0
FY 83	47	5	0
FY 84	61	5	0
FY 85	54	10	0
FY 86	68	9	0

FY 87	104	6	0
FY 88	85	14	0
FY 89	112	12	0
FY 90	111	10	0
FY 91	139	11	0
FY 92	153	2	0
FY 93	167	10	0
FY 94	236	15	2
FY 95	192	13	9
FY 96	191	16	5
FY 97	178	8	4
FY 98	194	10	4
FY 99	161	7	3
FY 00	148	12	2
FY 01	117	7	3
FY 02	151	10	2
FY 03	137	5	7
FY 04	122	6	7
FY 05	116	9	6
FY 06	133	8	2
FY 07	149	7	3
FY 08	124	3	2
FY 09	119	13	3
FY 10	142	7	2
FY 11	140	7	5

In reviewing a ten year average for complaints received and percent of complaints resulting in Disciplinary Actions or Agreement for Corrective Actions the ratio of complaints received and those resulting in some type of Board action appear to remain fairly consistent over a 30 year history. Minnesota Statute § 214.103 granting health licensing boards the authority to enter an Agreement For Corrective Action with a licensee was effective 1994.

FY 1980 through FY 1989 the Board received 596 complaints with 70 (11.7%) complaints resulting in Disciplinary Action.

FY 1990 through FY 1999 the Board received a total of 1732 complaints with 102 (5.8%) resulting in Disciplinary Action and 27 (1.5%) complaints resulting in Agreements for Corrective Actions.

FY 2000 through FY2010 the Board received 1458 complaints with 87 (5.9%) resulting in Disciplinary Actions and 39 (2.6%) resulting in Agreement for Corrective Action.

Section VIII. Rules, Policy, Legislation Enactment/Development and Stakeholder Participation

An assessment of the Board's rulemaking process and the extent to which the Board has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public

Rules Promulgation

The Board conducts its rules promulgation process in accordance with the requirements of Minnesota Chapter 14.

The Board is currently engaged in the rulemaking process on Rules Draft 4001 (RD4001) with the goal of redrafting the agency's administrative rules as they relate to definitions, continuing education, licensure, and rules of conduct. The intent of the Board's current rule project is to ensure the rules support current statute, to gain increased clarity, and to update the administrative rules to ensure alignment of the rules with the current professional standards within the field of psychology.

The undertaking of this substantial update to the administrative rules of the Board has involved thousands of hours of drafting, reviewing, rewriting, and public participation.

At the onset of its process, the Board constituted a Public Advisory Committee (PAC) for the purposes of obtaining stakeholder feedback on the proposed administrative rule modifications, and through this group developed the core content of the rules which are being proposed at the present time. The PAC involved individuals from varied training backgrounds and subject matter expertise within the field of psychology as well as general public representation.

In addition to the PAC, the Board has run two distinct periods for receipt of public comment, including most recently a public comment period that closed on May 9, 2011. Following the most recent public comment period, the Rules Committee of the Board held public meetings on March 31, April 21, May 5, May 19, June 2, and June 16, 2011 to discuss comments received. Substantial public participation was encouraged and occurred. The Committee entertained comments and participation from educational institutions, individual licensees, psychology graduate program training representatives, and the Minnesota Psychological Association (MPA), and the public at-large.

In addition to the public comments periods, Board staff engaged in outreach, and direct communication with stakeholders through an "interested party" mailing list, website postings of documents and meeting notices, and through regular telephone calls and e-mail updates with those interested in participating in the rules promulgation process.

Based on the comments and participation of the above-noted stakeholders, the Committee made substantial revisions to RD4001, and submitted the draft to the full Board for review and consideration in a public Board meeting on October 7, 2011.

The Board voted to approve RD4001 with the Committee's revisions during the October 7, 2011 Board meeting. Board staff and the Committee are in the process of completing the corresponding Statement of Need and Reasonableness (SONAR) and intend to issue a Notice of Intent to Adopt following approval of form from the Office of the Revisor of Statutes in early 2012.

Minnesota Open Meeting Law

The Board complies with all requirements of the Minnesota Open Meeting Law, Minnesota Statutes, Chapter 13D by providing adequate public notice prior to a Board meeting and holding all meetings of the Board and its respective committees.

The Board holds Board meetings 10 months out of the year, with Board committees meeting intermittently throughout the year. All meetings of the Board and its committees are open to the public to the extent required by statute. The Board supports the purpose of the Open Meeting Law and does the following to comply with the laws mandate to prohibit action being taken at a secret meeting, to assure the public's right to be informed, and to afford the public an opportunity to present its views to the public body:

- Application Review Committee, Complaint Resolution Committee and Board meeting dates are noticed annually to allow for convenient public participation;
- Notices for public meetings are mailed in accordance with requirements, are posted on the front of the Board office glass, on the website, and electronically at the entrance of the building;
- Packets of public materials are provided to public participants at each meeting;
- Public participants are greeted and encouraged to sign-in to allow for recognition and to ensure an opportunity to participate;
- Board meeting agendas reserve time for public comment at each meeting;
- Board staff are readily available to meet with and respond to public concerns before, during and after meetings

Section IX. Compliance with Federal and State Laws Related to Employment, Data Privacy, Purchasing

The extent to which the Board has complied with federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals, and state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;

Employment

The Board complies fully with federal and state laws regarding equality of employment opportunity, and the rights and privacy of individuals.

The Executive Director is entrusted with responsibility for ensuring that federal and state equal employment opportunity laws are fully complied with. This is achieved through the assistance of the Board's designated affirmative action officer, located in the Administrative Services Unit, which provides shared services to each Board.

The Board maintains and updates an affirmative action plan on a biannual basis. Criteria for affirmative action plans are established by state law, Minnesota Statutes, section 43A.19 and 43A.191, and MMB Administrative Procedure 19.1. The Executive Director prepares and implements the Plan, and signs the Plan's Statement of Commitment. The current Affirmative Action Plan is on the Board's website.

Likewise, the Board fully complies with the Minnesota Human Rights Act and applicable federal equal opportunity laws. The Board works cooperatively with the Administrative Services Unit, which provides expertise on equal opportunity issues.

This Board has received no complaints of violation of equal employment opportunity laws.

All new employees are informed of equal employment opportunity policies and laws upon orientation, and a copy of the Board's affirmative action plan is reviewed with them, including equal opportunity provisions and the Board's complaint process. This Affirmative Action Plan is provided to all new employees, and is posted on the employee bulletin board. Training on equal opportunity / affirmative action requirements is periodically provided to staff through in-person training sessions and online training. Equal opportunity / affirmative action matters are regularly reviewed at Executive Director Forum and at Office Manager meetings.

The Board conducts its hiring processes in accordance with all applicable collective agreements, and state and federal law. This is accomplished through consultation with the Board's affirmative action designee. The Board uses the State's resume-base, skill-matching process.

Resumes are evaluated against established minimum qualifications. Hiring processes are closely reviewed to ensure compliance with equal employment opportunity. Interview questions are established based on knowledge, skills, and abilities required to perform the responsibilities of each position.

The Board's home webpage has an affirmative action / equal opportunity statement, lists the phone number for hearing/speech relay, and provides an e-mail address for comments on the web page.

The Board responds to all applicable State surveys regarding equal opportunity / affirmative action, including an Annual ADA Survey.

Applicants and the general population are becoming increasingly diverse, including cultural and language diversity. The licensing boards continue to examine matters pertaining to possible barriers in licensure, as well as issues surrounding working with clients and patients from diverse populations.

Purchasing and Contracting

The Board complies with all purchasing requirements, including the State's Targeted Group / Economically Disadvantaged small business program. Contractual guidance is provided by the Administrative Services Unit. The Administrative Services Unit also provides the services of a Buyer who has been trained in all State purchasing requirements, including Targeted Group / Economically Disadvantaged preferences in purchasing. The Board is also supportive of Minncor purchasing.

The Board is aware of State contracting requirements regarding accessibility for IT services over \$25,000; assistance in these matters is provided by Administrative Services Unit IT and Contract staff. Training on these matters has been provided by the Department of Administration, Materials Management Division.

All departments and agencies making direct purchases in accordance with this authority must follow the policies and procedures and instructions contained in this manual and all applicable laws and rules, including but not limited to:

- Minnesota Statutes Chapters 13, 16A, 16B, and 16C,
- Minn. Stat. §§ 10A.07, 15.43, 43A.38, 609.43, and 609.456,
- Minnesota Rules Chapter 1230, and
- Uniform Commercial Code (UCC) as adopted by Minnesota (see Minnesota Statutes Chapter 336).

Recordkeeping

All personnel records are filed securely with limited keyed access to each respective supervisor within the agency.

The Board maintains and complies with the state record retention schedule for general administrative records. Board staff is in the process of reviewing and drafting a current and complete record retention schedule for Board adoption in the administrative, complaint resolution and licensure units.

Profile Reports

Certified profile status reports are viewed and are due to the Minnesota Department of Management and Budget every year. When profiles are added or changed individual staff profiles are reviewed. Individual profiles are maintained and reviewed frequently to ensure compliance with statutes, rules, policies and procedures.

Financial Policies

The Health-Related Licensing Boards follow statutes, rules, policies and procedures related to financial operations. The Minnesota Department of Management and Budget and the Minnesota Department of Administration provide policies and procedures and training related to financial activities that staff are required to maintain. The Administrative Services unit provides policies and procedures for the Health-Related Licensing Boards staff to follow. This ensures compliance with financial operations.

Section X. Potential Conflict of Interest

The extent to which the Board issues and enforces rules relating to potential conflicts of interest of its employees;

The Executive Director of the Board is responsible for enforcing rules relating to potential conflicts of interest of its employees.

The Executive Directors of all the Health-Related Licensing Boards agreed to have each incumbent employee review State Code of Conduct provisions and to be recertified in the employees' understanding of the code annually. All new Board employees are also informed of the Code at employment orientation, and are instructed to certify understanding of their responsibilities under the code. The State Code of Conduct (MMB Operating Policy & Procedure 01003-01) outlines the standards and expectations regarding employee honesty, integrity, and ethical behavior.

The Code of Ethics for State Employees [Executive Branch] with the State of Minnesota (Minnesota Statutes 43A.38) is reviewed at orientation with all new employees, and is also discussed regularly at Office Managers and at Executive Directors meetings.

Questions regarding conflict of interest are directed to Administrative Services Unit staff, which seeks additional guidance as required from Minnesota Management and Budget.

Provisions regarding potential conflict of interest in regard to contracting are heavily regulated by Minnesota statutes. Provisions regarding institutional conflict of interest have been reviewed at meetings of Office Managers and of Executive Directors.

Board staff received training from the Department of Administration, Materials Management Division, regarding appropriate contracting procedures, including conflict of interest. Adherence to state contracting statutes and regulations minimize the risk of conflict of interest.

New board members are advised of their responsibilities under the Conflict of Interest Laws (Minn. Stat. sec. 10A.07 and Minn. Stat. sec. 43A.38) during their New Board Member Orientation. This part of the New Board Member Orientation is conducted by a representative of the Office of the Attorney General as well as the Executive Director.

Internal Controls

The Board engages in routine process review to update and examine the effectiveness of existing internal controls. Through careful drafting of agency structure, position descriptions, and agency process, diversification of tasks is ensured. Deposit functionality is separated from reconciliation of receipts and expenditures, and intake functions, such as mail processing and purchasing have documented checks and balances which require a separation of staff duties.

Board staff are required to participate in training and recertification with respect to the State of Minnesota Code of Conduct annually. Internal control bulletins are reviewed by management regularly and incorporated into process and practice review as needed.

Section XI. Compliance with Chapter 13-Data Practices and Requests for Information

The extent to which the Board complies with chapter 13 and follows records management practices that enable the agency to respond efficiently to requests for public information

The Board adheres strictly to the legal requirements for managing its data as required by Minnesota Statute, section 13, the Data Practices Act.

Under the Data Practices Act, all data that is not made private or confidential by state or federal law is public data.

The Board reviews applications on a regular basis to ensure the separation of the collection of public and private data. Public files are regularly maintained to ensure that data collected from the licensure process is properly stored. Prior to licensure all information pertaining to applicants for licensure is confidential and is kept in a locked secure cabinet accessible only to staff on a need to access basis. Board action sheets provided for use by Board members at public meetings are modified to refer to individuals via applicant number instead of name to ensure compliance with Chapter 13.

All data pertaining to an active investigation or complaint to the Board is considered confidential and is treated as such. Staff members are trained regarding telephone etiquette and procedure for providing responses to inquiries seeking confidential data. Access to files both physically and electronically is limited to complaint resolution staff, to the extent that a separate drive is utilized for the storage of complaint data.

Tennessee notices are provided during the complaint resolution process, and at the onset of the collection of data in other forums. Specifically, every subject of a complaint who is requested to provide information to the Board by Board staff or by a representative of the Attorney General's Office receives a Tennessee warning advising them of how that information may be used and how it may have an effect on the status of their license.

The Board complies with Open Meeting law requirements through the issuance of meetings notices to an interested party mailing list, postings on an electronic board, and by e-mailing those who have requested to be contacted for meetings of the Board.

The Board is in the process of updating its records retention policy to ensure careful management of documents and their storage. Phase I of this project, which is currently underway, involves a cataloging of all agency documents through the use of a records inventory form. Once the inventory is complete, all records series maintained by the board will be added to a retention schedule, which must then be submitted to the State Records Disposition Panel for approval. Upon panel approval of the retention schedule, the Board will be able to implement the new standards for records generation, storage, and disposition.

Section XII. Effect of Federal Intervention and Funding

The effect of federal intervention or loss of federal funds if the agency is abolished

The Board is required to report its disciplinary actions to a National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank (collectively referred to as "The Data Bank"),

within 30 days of the date of the action. The Data Bank is a confidential information clearinghouse created by Congress to improve the health care quality, protect the public, and reduce health care fraud and abuse in the U.S. There are significant consequences for failing to report to the Data Bank in a timely manner.

The Board is not a recipient of federal funds, however, in the event the agency ceases to license psychologists in the state of Minnesota, employment of these individuals may suffer as often psychologists must obtain licensure in at least one jurisdiction as a condition of their federal employment.

For example, if the Board of Psychology were abolished and the licensing of psychologists discontinued, a number of federal activities would be affected:

- **Medicare Reimbursement.** Reimbursement for medical services can only be made for services provided by a credentialed health care professional.
- **Military Service.** In order to serve in the U.S. military in a health care capacity, an individual must hold a credential to practice in one of the United States. Individuals who hold only a Minnesota license would be ineligible to serve in the United States military once the license expired.
- **Veterans Administration (VA) Hospitals and Clinics.** Like the military, psychologists employed by the Veteran's Administration must hold a license to practice in one of the United States. Individuals with only a Minnesota license would be ineligible from practicing for the VA once the license expired.
- **Indian Health Services.** Federal law provides that individuals providing health care, including psychological services, on reservations must hold a valid credential in one of the United States. Individuals who are credentialed only in Minnesota could experience challenges in providing care through the Indian Health Care Service once the credential expired.

Section XIV. Priority Based Budget

Agency funding and budgetary data

State Government Special Revenue Fund – Direct and Indirect Expenditures

The Board is responsible for collecting sufficient revenue from fees to cover both direct and indirect expenditures, which is deposited as non-dedicated revenue into the State Government

Special Revenue Fund. From this fund the Board receives a direct appropriation to pay for agency activities such as salaries, rent, costs for disciplinary/contested cases, and operating expenditures. It also pays statewide indirect costs through an open appropriation. The Board does not receive any General Fund appropriations.

The Board has been committed to minimizing expenditures, through for example, reducing the frequency of meetings, limiting travel, successfully promoting online services, and moving to paperless meetings.

Board fees must also cover a prorated share of support functions provided outside of the Board itself. These functions include legal support (Attorney General), statewide e-licensing system development and operations (Office of Enterprise Technology), centralized administrative support (Health Boards' Administrative Services Unit), and funding for services to health professionals (Health Professionals Services Program). Other miscellaneous indirect costs are paid by the Board once per fiscal year to Minnesota Management and Budget, the Legislative Auditor, and other state agencies for services provided.

Receipts 2002-2011

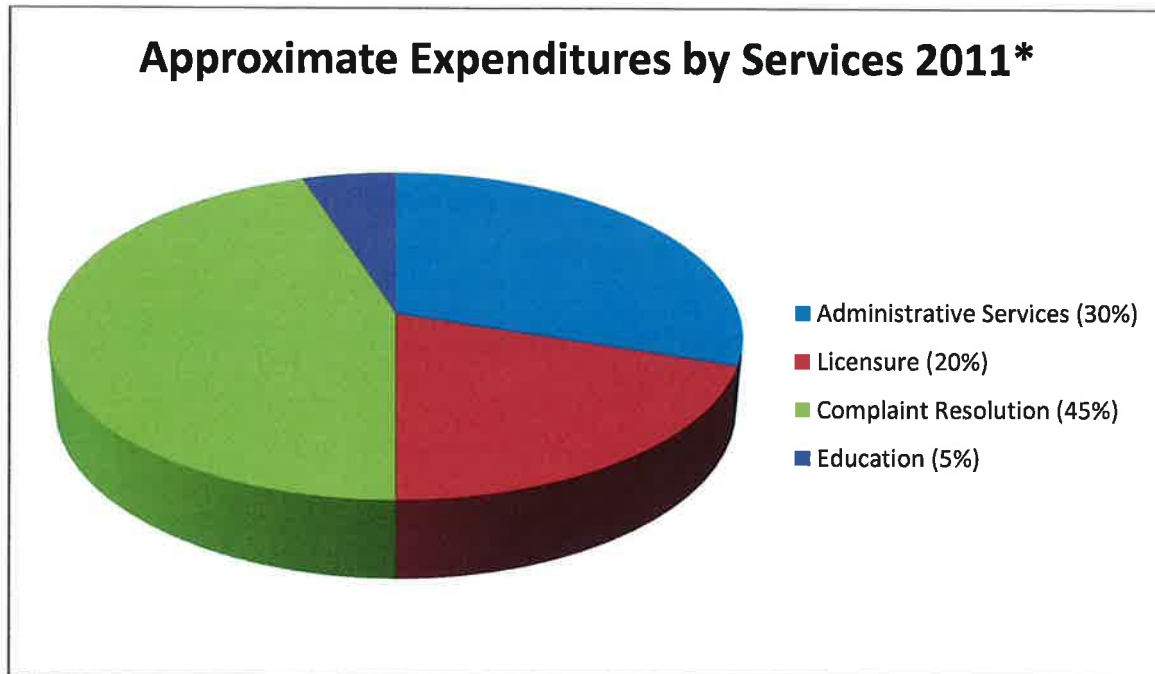
The following table and data identify the receipts collected, between July 1, 2002 and June 30, 2010, which are deposited in the State Government Special Revenue Fund.

July 1, 2002 – June 30, 2004	July 2, 2004 – June 30, 2006	July 1, 2006 – June 30, 2008	July 1, 2008 – June 30, 2010
\$2,109,646	\$2,249,892	\$2,227,570	\$2,192,193

Disbursements 2002-2011

The following table and data identify expenditures between July 1, 2002 and June 30, 2010 by the Minnesota Board of Psychology.

July 1, 2002 – June 30, 2004	July 2, 2004 – June 30, 2006	July 1, 2006 – June 30, 2008	July 1, 2008 – June 30, 2010
\$1,724,189	\$1,582,869	\$1,791,165	\$1,483,109



- Recalculated November 2011

Executive Summary

The Minnesota Board of Psychology is statutorily charged with the protection of the public from the practice of psychology by unqualified persons and from unethical or unprofessional conduct by persons licensed to practice psychology through licensure, enforcement, and education. It is the Board's responsibility to ensure that only qualified psychologists are granted a license to practice and that anyone holding a license to practice does so within the minimum standards of acceptable and prevailing practice. The Board issues over 100 new licenses annually and regulates over 3,500 psychologists. The Board's Complaint Resolution Unit process approximately, 136 complaints each year and the board issues an average of 11 disciplinary and corrective actions annually.

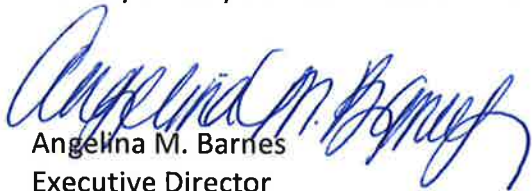
The operations of the Board of Psychology are funded entirely from fees collected from its applicants and licensees. The Board receives no general fund appropriations. The fees collected by the Board are sufficient to sustain the Board's operations as well as to support a number of state health related initiatives created by legislature.

The Board staffing level has increased over the past 6 years in response to internal reorganization and restructuring of Board initiatives. The Board has instituted numerous efficiencies within the past 5 years, including the online services initiative, paperless meetings and electronic transmission of meeting materials.

The eight psychologists and three public members who make up the Board are all highly qualified and motivated professionals, focused on protecting the citizens of Minnesota from the unqualified and unprofessional practice of psychology. These individuals essentially volunteer their time to the Board's mission, assume their role in public protection and towards the enhancement of Minnesota's ability to provide mental health services with integrity and commitment. In addition to their work on behalf of the citizens of the state, many past and current board members have taken on the additional responsibility of representing the state of Minnesota in the national arena in service to the Association of State and Provincial Psychology Boards (ASPPB) on Association committees as well as in the capacity of the Past-President of ASPPB.

The Minnesota Board of Psychology appreciates and acknowledges the essential role of the work of the Minnesota Sunset Commission and is confident the Commission will recognize the critical role of the Board in ensuring public protection within the psychological field as well as the overall benefits to the health care environment of our state. The submission of this report has provided an opportunity to review Board processes, reflect on the Board's mission to protect the public through licensure, enforcement and education, and the work done towards meeting this end, and will serve as a component of the Board's strategic planning as the Board sets its goals for where Minnesota can lead in the future within the regulation of the practice of psychology.

Thank you for your time and consideration.

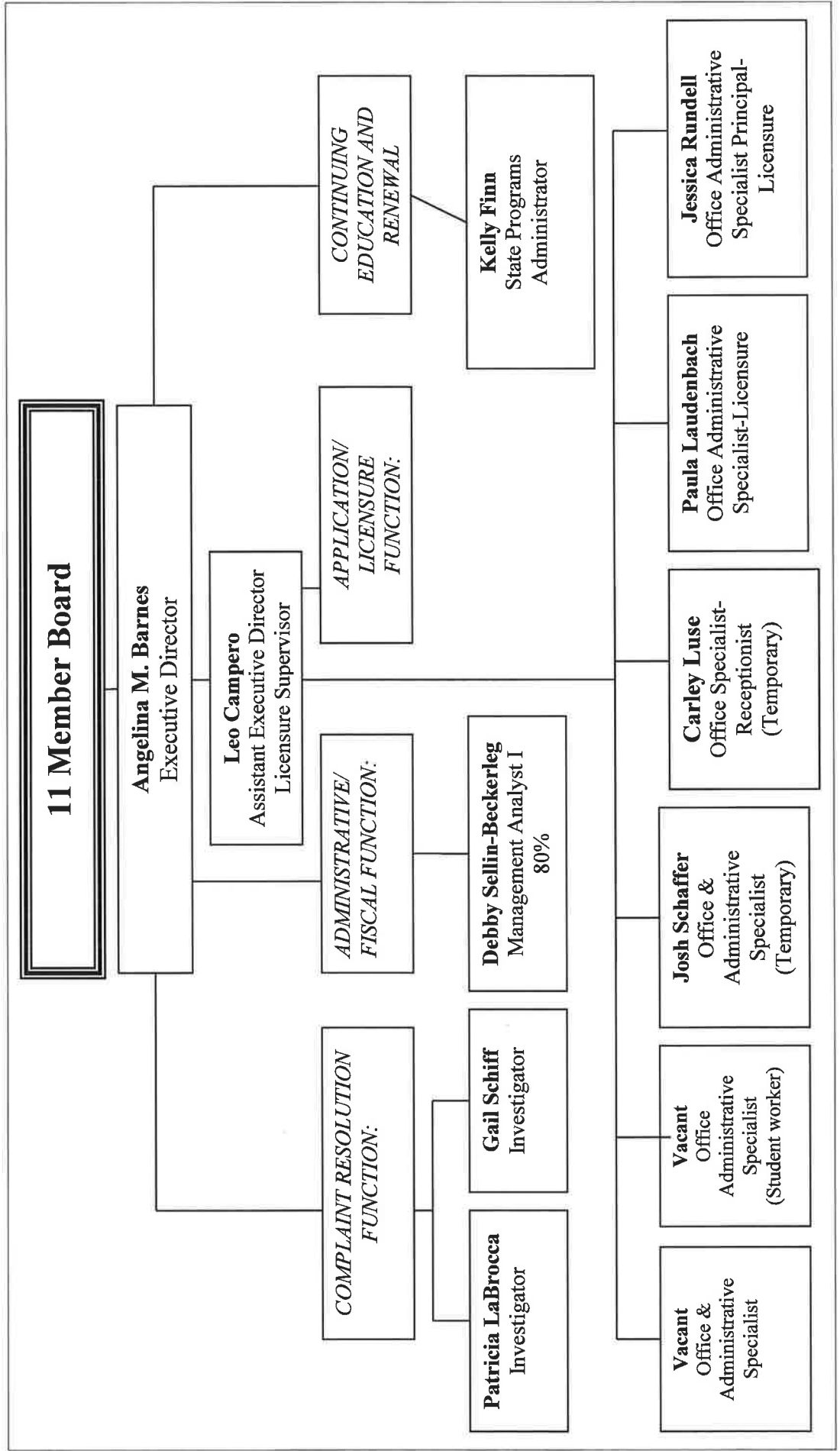


Angelina M. Barnes
Executive Director
Minnesota Board of Psychology

MINNESOTA BOARD OF PSYCHOLOGY

FISCAL YEAR 2011

ORGANIZATIONAL CHART



Minnesota Board of Psychology Complaint Process

