

SUPPLEMENT TO

BIENNIAL REPORT OF EXAMINING AND LICENSING BOARDS

(MS 1982, SECTION 214.07)

BOARD: Psychology

LOCATION: Minnesota Department of Health Building

717 Delaware St SE Minneapolis, MN 55414

STATUTORY AUTHORITY: Minn. Stat. SS 148.89 - 148.98

REPORT PERIOD: _____ To: _____

SUBMITTED BY:	<u>Lois E. Mizuno</u>	<u>Executive Director</u>	<u>12/3/85</u>
	Name	Title	Date

STATUTORY AUTHORITY FOR SUPPLEMENT: Laws Minnesota 1985, Chapter 247, Section 24

Copies of this report shall be delivered to: (A) the Legislature in accordance with Section 3.195 (1 copy to the Secretary of the Senate, 1 copy to the Chief Clerk of the House of Representatives and 10 copies to the Legislative Reference Library); (B) the Governor; and (C) Commissioner of Administration. Each health-related board shall also deliver a copy of their report to the Board of Health.

COMPLAINT PROCEDURES

BOARD OF PSYCHOLOGY

The Board of Psychology processes written complaints as follows:

1. The complaint is acknowledged in writing. See attachment A for a copy of the acknowledgement form.

2. Requests for complaint forms are filled and mailed generally within two working days, and never more than five working days, after receipt. See attachment B for a copy of the complaint form packet.

3. Acknowledgements of complaints received are mailed within three working days of their receipt.

4. Complainants are informed in writing of the status of their complaints twice each year during the period in which the complaint is pending, in December and in June. See attachment C for a copy of the memorandum form.

5. Upon final disposition of a complaint which results in disciplinary action by the Board, the complainant is informed by letter of the action taken by the Board. The letter may include information from the Stipulation of Facts (public document) which accompanies the Order for disciplinary action. See attachment D for a copy of a typical closure letter in these circumstances.

6. Upon final disposition of a complaint which does not result in disciplinary action, the complainant receives a letter stating that the complaint has been dismissed and giving the reasons why it is dismissed. (The two most common reasons are that the allegations do not involve a violation of law or Board rule or that there is insufficient evidence that a violation has occurred to justify Board action .) See attachment E for a copy of a typical closure letter in these circumstances.



BOARD OF PSYCHOLOGY

717 DELAWARE STREET, S.E. ROOM 343
MINNEAPOLIS, MINNESOTA 55414
612/623-5419

MEMO

TO:

FROM: Lois E. Mizuno
Executive Secretary

RE:

DATE:

This memo acknowledges receipt of the complaint you have submitted to the Minnesota Board of Psychology. The complaint has been referred to the Ethics Panel consisting of two members of the Board and to the Attorney General's office for review and processing.

If it is determined that the matter is outside the jurisdiction of the Board, you will be notified.

If the matter is jurisdictional, it will be referred for investigation. Please understand that the investigation process may be lengthy and that it may be a long time before the Board can make a determination. Until the matter has been concluded, you probably will not receive any word regarding its progress, since all materials relating to an active investigation are classified under the Minnesota Data Practices Act as confidential, that is, not accessible to the public, including the complainant. However, when the matter has been concluded, you will be notified in writing of its disposition.

Thank you for taking the time to contact the Board. Because there is no formal method of monitoring the practice of psychology, the Board can correct improper/unethical activities only if concerned citizens and caring professionals take the time to inform the Board of problems encountered in their contact with licensees of this Board.



BOARD OF PSYCHOLOGY

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INSTRUCTIONS FOR COMPLETING COMPLAINT FORM

If you wish to make a complaint against the practice of a psychologist licensed by the Minnesota Board of Psychology, the complaint will have to be in writing. The attached complaint form is for your convenience, but use of the form is not required for the purposes of processing the complaint.

Enclosed is a copy of the Rules of Conduct to aid you in describing the incidents which led you to make a complaint. Please note that state law does not give the Board of Psychology jurisdiction over disputes regarding fees charged for psychological services.

Please state in sufficient detail all the facts which relate to the complaint. Please include any relevant names, dates, times, places and lists of documents or records which are in your possession or which you know exist. Include a copy of any document or record you possess which bears on the complaint. If it is an original, it will be copied and the original returned to you.

Note that the form indicates that your signature should be notarized. The reason for this is that Minnesota law requires a notarized complaint on file before a hearing is scheduled.

When you have signed in the presence of a notary, date the complaint, and mail it in the enclosed envelope.

You will be notified of the receipt of your complaint and notified of the disposition of the complaint when the case is concluded.

Enclosures: Complaint Form
Rules of Conduct
Addressed Envelope

ATTACHMENT B

MINNESOTA BOARD OF PSYCHOLOGY

717 Delaware Street S.E.
Room 343
Minneapolis, Minnesota 55414

COMPLAINT REGISTRATION

Complainant's Name:

Subject of Complaint:

Address:

Address:

City, State, Zip Code:

City, State, Zip Code:

Telephone Numbers:

Telephone Number:

Home: () _____

() _____

Work: () _____

=====
I understand that I am not legally required to complete this form. It is offered so that the Board may properly and thoroughly evaluate and investigate this complaint, and if necessary, submit this information in any legal proceeding. Recognizing the Board's need to verify and, if necessary, legally pursue this complaint, I authorize the Board, its agents, and/or agents of the Attorney General's Office representing the Board to disclose this information to those whom they reasonably believe have a need to know.

Statement of Complaint
(Use additional paper if necessary)

(Continue on back of page)

Lined area for text entry.

(Signature of Complainant) Date

Subscribed and sworn to before
me this ____ day of _____, 19 __.

Board of Psychology - Rules of Conduct - page 2

3. A psychologist shall consider the client as an individual and shall not impose on the client any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of psychological services to the client.

4. A psychologist shall disclose to the client preferences of the psychologist for choice of treatment or outcome and shall present other options for the consideration or choice of the client.

5. A psychologist who becomes aware of a divergence of interests, values, attitudes or biases between a client and the psychologist sufficient to impair their professional relationship shall so inform the client. Either the client or the psychologist may terminate the relationship.

6. A psychologist shall terminate a professional relationship with a client when the client is not likely to benefit from continued professional services or the services are unneeded. The psychologist shall inform the client orally and in writing of the termination and assist the client in obtaining services from another professional.

7. A psychologist shall make a prompt and appropriate referral of the client to another professional when requested to do so by the client.

8. A psychologist shall not engage in sexual intercourse or other physical intimacies with a client, nor in any verbal or physical behavior which is sexually seductive or sexually demeaning to the client. Physical intimacies include handling of the breasts or genital areas of either sex by either the psychologist or the client.

9. A psychologist shall ask a client whether the client has had or continues to have a professional relationship with another mental health professional. If it is determined that the client had or has a professional relationship with another mental health professional, the psychologist shall, to the extent possible and consistent with the wishes and best interests of the client, coordinate services for that client with the other mental health professional.

10. A psychologist shall file a complaint with the board when the psychologist has reason to believe that another psychologist is or has been engaged in conduct which violates C.11., failure to report suspected abuse of children or vulnerable adults, or E.8., sexual contact with a client. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other psychologist. Nothing in this rule relieves a psychologist from the duty to file a report as required by Minn. Stat. S 626.556 or 626.557, reporting abuse of children and vulnerable adults.

11. A psychologist informed of conduct of another psychologist which appears to be in violation of any rule of conduct other than those listed in 10. may directly communicate with or seek to counsel the other psychologist or may file a complaint directly with the board.

12. A psychologist shall, upon request, provide information regarding the procedure for filing a complaint with the board and may, upon request, assist with filing a complaint.

F. Tests.

1. A test or automated test interpretation service offered for use by qualified professionals shall be accompanied by a manual or other readily available published information which fully describes the development of the test or service, the rationale, evidence of validity and reliability and characteristics of the normative population. The psychologist shall explicitly state the purposes and application for which the test is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the test are factual, descriptive, and not evaluative.

2. A psychologist must not offer psychological tests for commercial publication to publishers who have presented tests in an unprofessional manner and who have distributed them to other than qualified professional users.

3. A report of the results of a test shall include relevant reservations or qualifications regarding validity or reliability which a psychologist may have because of the testing

circumstances or any deficiencies of the test norms for the individual tested, and how the psychologist has applied those reservations and qualifications to the score of the individual.

4. A test result or interpretation regarding an individual is private information.

G. Public announcement of services.

1. Public statements shall not include false or misleading information. They may describe fees, professional qualifications and services provided, but they may not evaluate services as to their quality or uniqueness and may not contain testimonials by quotation or implication.

2. A psychologist may not misrepresent directly or by implication professional qualifications such as education, experience or areas of competence. A psychologist may not misrepresent directly or by implication affiliations, purposes and characteristics of institutions and organizations with which the psychologist is associated.

H. Fees and statements.

1. A psychologist shall, when asked by a client about the cost of professional services, disclose the cost of services provided.

2. A psychologist shall itemize fees for all services for which the client or a third party is billed and make the itemized statement available to the client. The statement shall identify at least the date on which the service was provided, the nature of the service, the name of the person providing the service, and the name of the person who is professionally responsible for the service.

3. A psychologist shall not directly or by implication misrepresent to the client or to a third party billed for services the nature of the services, the extent to which the psychologist has provided the services, or the person who is professionally responsible for the services provided.

4. A psychologist shall not claim a fee for services unless the psychologist is either the direct provider of the services or the person who is professionally responsible for the provision of the services and under whose direction the services were provided.

5. No commission, rebate, or other form of remuneration may be given or received by a psychologist for the referral of clients for psychological services.

6. Except as provided by law relating to business organizations, a psychologist may not divide fees with another professional without the informed consent of the client and unless the division is in direct proportion to the services performed and the responsibility assumed by each professional.

I. Practicing without a license. A psychologist shall not aid or abet an unlicensed person in engaging in the private practice of psychology. A psychologist who supervises a person preparing for the professional practice of psychology according to Minn. Stat. S 148.97, subd. 3, clause (2), is not in violation of this rule if the person is not engaging in the private practice of psychology.

J. Welfare of students and research subjects. A psychologist shall protect the welfare of psychology students and research subjects and shall accord the students and human research subjects the client rights listed in C. and E., except for C.4., C.6., E.4., E.6., and E.9.

K. Violation of law. A psychologist shall not violate any law in which the facts giving rise to the violation involve the provision of psychological services. In determining whether a violation involves the provision of psychological services the board shall consider:

1. the nature and seriousness of the violation the psychologist is alleged to have committed;

2. the relationship of the alleged violation to the purposes of regulating the practice of psychology; and

3. the relationship of the violation to the ability, capacity, fitness or integrity of the psychologist in rendering psychological services.

In any board proceeding alleging a violation of this rule one proof of a conviction of a crime shall constitute proof of the underlying factual elements necessarily underlying that conviction.

ATTACHMENT C
STATUS OF COMPLAINT MEMO

MEMO

TO:

FROM: Lois E. Mizuno
Executive Director

DATE:

RE:

This memo informs you that the complaint you submitted on _____ against the practice of _____
date name of licensee
is still in the active investigation stage. As such, any data
possessed by the Board with respect to your complaint is
classified under the Government Data Practices Act as "confi-
dential", that is, not accessible to the public, including the
complainant. Therefore, we cannot give you any information at
this time beyond assurances that the matter is still being
actively pursued.

The Ethics Panel to which the complaint was referred will
bring the case to a conclusion as soon as it is able to do so.
When the matter is concluded, you will be informed in writing of
its disposition.

Thank you for your patience.



BOARD OF PSYCHOLOGY

717 DELAWARE STREET, S.E. ROOM 343
MINNEAPOLIS, MINNESOTA 55414
612/623-5419

Dear _____:

This letter is your official notification of the disposition of your complaint against the practice of _____.

Following an investigation of the matter by the Attorney General's office, an Ethics Panel composed of two members of the Board of Psychology met with Dr. _____ and confronted him with the allegations.

As a result of the conference the Panel recommended to the full Board that Dr. _____ be issued a reprimand and that Dr. _____ surrender his license to engage in the private practice of psychology in Minnesota. On _____, the Board adopted the Panel's recommendation and issued the reprimand. Dr. _____ has since surrendered his license.

As you requested, I am enclosing a copy of the Stipulation and Order, which are classified under the Government Data Practices Act as "public" information.

Thank you again for bringing this matter to the attention of the Board. In the absence of a formal mechanism for policing the profession, the Board must rely on concerned consumers of psychological services such as you in its efforts to protect the public with respect to incompetent or unethical practice. You have provided a valuable service.

Sincerely,

Lois E. Mizuno
Executive Director

enclosure



BOARD OF PSYCHOLOGY

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612/623-5419

Dear _____:

This letter is your official notification of the disposition of your complaint against the practice of _____.

After a lengthy investigation by the Attorney General's office, an Ethics Panel composed of two members of the Board of Psychology conferred on this matter and concluded that there is insufficient evidence of a violation of any law or Board rule to proceed further on this matter. The case is therefore closed.

Please understand that the Panel's decision reflects only a regulatory board's lack of authority to proceed against a licensee in the absence of evidence of violation of law or rule, and does not reflect either positively or negatively on the statements you made in the complaint.

The Panel has requested that I convey to you its thanks for bringing this matter to the attention of the Board. Even though not all complaints result in disciplinary action against a licensee, the fact of their having been filed has a salutary effect on the profession as a whole. In the absence of a formal mechanism for policing the profession, providing information to the Board is a valuable service.

Sincerely,

Lois E. Mizuno
Executive Director