

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA  
BOARD OF PSYCHOLOGY

In the Matter of a Proposed New  
Rule Part Relating to Education  
Requirements for Licensure

STATEMENT OF NEED  
AND REASONABLENESS

The above captioned rule part is an amendment to the existing rules of the Minnesota Board of Psychology (hereinafter "Board").

1. The legal authority for promulgating this amendment to existing rules is contained in Minn. Stat. S 148.90, subd. 2(4) (1984), which grants the Board authority to make rules necessary to effectuate the provisions of the licensing law.

2. The Board has proposed this change to Chapter 7200 to further define a "degree with a major in psychology" to ensure that persons licensed to engage in the private practice of psychology are trained specifically for the field of psychology and not for some other profession.

3. It has been determined that Minn. Stat. SS 14.115, 14.11, subd. 2, 17.80 to 16.84 (sic), 115.43, subd. 1, 116.07, subd. 6, 144A.29 and 16A.128 do not apply to this proposed rule; therefore, the Statement of Need and Reasonableness does not address the topics referenced in those statutes.

Further need is set forth in the Statement of Reasonableness which is attached hereto and made a part thereof.

Dated: May 13, 1985

BEFORE THE MINNESOTA  
BOARD OF PSYCHOLOGY

*Lois E. Mizuno*  
LOIS E. MIZUNO  
Executive Secretary

Minnesota Board of Psychology

STATEMENT OF NEED AND REASONABLENESS

for Proposed Rule Part 7200.1700

In 1973-74 when the Board of Psychology first promulgated rules it recognized that academic programs designed to prepare students to be psychologists are often housed in departments not titled "psychology", and that titles of majors whose course content is clearly psychological may not include the word "psychology". For example, some institutions house educational psychology majors in the Education department. The transcripts for such majors frequently read "Master of Education", or "Major: Education", or "Ed.D." Harvard's Psychology department formerly was called "Social Relations".

To avoid the unwanted consequence of denying licensure to applicants trained in such departments or with such majors, the first rules included provisions for determining whether such majors are in fact psychology: a minimum number of course credits in courses which are predominantly psychological in content and a thesis or dissertation which is psychological in topic and method.

In 1982 when the Board adopted a new set of rules, it kept intact the original concept, reaffirming its conviction that a department or major need not be titled "psychology" to be in fact psychology. The criteria were refined and tightened, but the basic premise remained the same.

Now in 1985 the Board still holds that there is a need to recognize formally that a major with another title can be a major in psychology. Unfortunately, since the revised rules were adopted in August, 1982, the Board has been confronted with an increasing number of applications from individuals who were trained for other professions yet who claim

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that their majors are in psychology on the basis of meeting the minimum course credit and thesis/dissertation standard.

It was never the intent of the Board to admit to the private practice of psychology persons who are educated and trained for other professions. It is fundamentally illogical for an attorney, for example, to be called a psychologist. An attorney may employ psychological techniques in his/her profession, it is true, but he/she is trained in law. A law degree, no matter how many psychology courses may be included, is not a degree in psychology. That there is a difference between the two professions is commonly recognized by professionals and lay persons alike. However, as the rules at present are drafted, it is theoretically possible for an attorney with a law degree to demonstrate that his/her degree included the requisite number of credits in courses which are predominantly psychological in content.

There are other professionals which have a much closer kinship with psychologists than attorneys do, for example, social workers and clergymen. With these types of professions, it is more than theoretically possible, it has actually happened, that course credits and thesis/dissertation were demonstrated as meeting the requirements of the rule.

The Board holds that the present rule related to education requirements unwittingly blurs the boundaries between professions sufficiently to contribute significantly to confusion in the minds of consumers about what type of professional provides what kind of services. The Board, therefore, sees a pressing need for the proposed rule.

Minn. Stat. §§ 148.89, subd. 1, and 148.97, subd. 3, read as follows:

**148.89 DEFINITIONS.**

Subdivision 1. For the purpose of Laws 1973, Chapter 685 the term "private practice of psychology" means the application for a fee, monetary or otherwise, to the public of psychological principles in the description, prediction and modification of human behavior and emotional adjustment, including but not restricted to such practices as:

- (1) Psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal;
- (2) Psychological treatment of persons who have adjustment problems;
- (3) Psychological counseling and guidance;
- (4) Conducting behavioral research; and
- (5) Teaching of psychology.

**148.97 PENALTIES.**

Subd. 3. (1) Nothing in Laws 1973, Chapter 685 shall be construed to limit the professional pursuits consistent with their training and code of ethics of professions such as teachers in recognized public and private schools, clergymen, physicians, social workers, alcohol or drug counselors, or optometrists or attorneys. However, in such performance any title used must be in accord with section 148.96.

(2) Persons preparing for the profession of psychology may perform as a part of their training any functions specified in section 148.89, but only under qualified supervision.

(3) Use of psychological techniques by business and industrial organizations for their own personnel purposes or by employment agencies or state vocational rehabilitation agencies for the evaluation of their own clients prior to recommendation for employment is also specifically allowed. However, no representative of an industrial or business firm or corporation may sell or offer for sale any psychological services as specified in section 148.89 unless such services are performed or supervised by individuals licensed under Laws 1973, Chapter 685.

It is obvious that the drafters of the Psychology Practice Act (Minn. Stat. SS 148.89 - 148.98) saw quite clearly that the Act should not be construed as prohibiting professionals in other fields from practicing their professions, even though in their professions they may employ one or more of the psychological principles or practices included in the definition of the private practice of psychology. The drafters seem to have grasped the concept that other professionals make use of psychological principles and practices yet are not practicing as psychologists.

It is logical and reasonable, then, to extend this clear distinction

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between psychology and other professions which use psychological principles to the formal training which must be completed in order to enter those professions. Put another way, simply because a person takes courses which involve the study of psychological principles does not mean that person, who is being trained for another profession, can or should also practice psychology. It should be clear that a physician or a social worker or an attorney is not considered a psychologist and is not practicing psychology even if psychological principles are employed in the professional setting. It then follows that the degree required for practicing any one of those professions should not be considered a degree with a major in psychology, regardless of whether some coursework may be predominantly psychological in content. To implement this recognized distinction between the profession of psychology and the other helping professions listed in Minn. Stat. S 148.97, subd. 3, (teachers, clergymen, physicians, social workers, alcohol/drug abuse counselors, optometrists, attorneys), the rules must exclude degree programs which are preparatory for these other professions from the definition of a major in psychology. Such exclusion is entirely in keeping with the Psychology Practice Act.

The proposed rule complements the Board's unchanged position with respect to what constitutes a major in psychology: not only programs housed in psychology departments or with "psychology" in the title, but also programs with other titles or housed in other departments, provided those programs meet the minimum course credit and thesis/dissertation requirement, and provided they are not programs which

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prepare a student for another profession.

The Board, however, is sensitive to the possibility that some individuals with degrees in these excluded professions may have been preparing themselves for licensure by engaging in the post-degree psychological employment required by law before licensure can be granted. It would be unfair to close the door to licensure when a good-faith effort to comply with the psychology licensure law is underway. The Board holds that it is reasonable to allow such individuals to apply for admission to the October 11, 1985, Examination for the Professional Practice of Psychology. The deadline for all applicants applying for the October examination is September 1, 1985. The Board, therefore, proposes that date as the deadline for application for those with degrees already earned in the professions which are excluded by this rule from being defined as degrees with a major in psychology.