



## Minnesota Judicial Branch Policy/Procedures

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<b>Policy Source:</b>	State Court Administrator
<b>Policy Number:</b>	510(a)
<b>Category:</b>	Court Operations
<b>Title:</b>	Psychological Services Examiner Payment Policy
<b>Origination Date:</b>	June 20, 2008
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<b>Contact:</b>	Director of Court Services Division

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### Psychological/Psychiatric Services Examiner Payment Policy

#### I. POLICY

The State of Minnesota shall compensate non-employee examiners for examination and testimony pursuant to court order and pursuant to this payment policy.

#### II. APPLICABILITY

The Psychological Services Payment Policy applies to:

- (1) all District courts in the appointment of a court-ordered examination;
- (2) all District Courts in the processing of examiner invoices; and
- (3) all non-employee examiners who perform court ordered examinations for the courts.

#### III. DEFINITIONS

“Examiner” refers to a person performing court-ordered psychological examinations who is knowledgeable, trained, and practicing in the diagnosis and assessment or in the treatment of the alleged impairment, and who is:

- (1) a licensed physician; or
- (2) a licensed psychologist who has a doctoral degree in psychology or who became a licensed consulting psychologist before July 2, 1975; and
- (3) in good standing with the appropriate professional licensing board.

“Metro Area” refers to the seven (7) county metro area: Hennepin, Ramsey, Washington, Anoka, Dakota, Scott, and Carver.

## IV. COMPENSATION

The compensation established for court-ordered psychological/psychiatric exams is as follows:

### A. Maximum Compensation Rate

The State Court Administrator shall establish and periodically review a maximum examiner rate and/or a maximum total fee that may not be exceeded without obtaining prior judicial authorization. Each judicial district shall establish a rate within that limit. The court shall compensate first and second examiners based on the rate as determined by the judicial district. The maximum rate does not apply to exams performed by examiner employees.

1. The maximum examiner rate for civil mental health commitment cases and criminal Rule 20 competency/criminal responsibility cases shall be:

- a) Metro area           \$105.00 per hour.
- b) Outstate area       \$125.00 per hour.

2. The maximum statewide rate for Sexually Dangerous Persons and/or Sexually Psychopathic Personality cases is \$125.00 per hour. A maximum fee of \$5,000 shall be paid for services performed in an SDP/SPP case (not including travel compensation and related expenses in Paragraph B.2.) unless prior judicial authorization has been obtained to exceed the maximum fee.

3. The maximum statewide rate for psychiatrists, appointed in cases where the judge has determined that psychiatric testimony is necessary to evaluate the issue before the court, is \$195.00 per hour.

4. Contracts: Any hourly, flat fee per case, or per service rate negotiated under a separate contract with the state must not exceed the maximum examiner rate set by the State Court Administrator in this policy.

### B. Reimbursement

Examiners shall be paid for record review, interview of the proposed patient, report writing, and testimony. All requests for reimbursement shall be submitted within 60 days of the completed work. Other reasonable expenses may be reimbursed pursuant to the following guidelines.

#### 1. Testimony

Examiners shall be paid for direct and cross examination related to the court-ordered report only. Payment for general observation of a trial may only be

allowed on a case-by-case basis with prior judicial authorization. Payment may be expanded only on case-by-case basis with judicial authorization.

## 2. Travel

All travel will be paid at 60% of the hourly compensation rate as established by the district in Paragraph A. There will be no reimbursement for mileage.

When travel is required, the Court Administrator may authorize reasonable expenses based upon the Judicial Branch's travel policy.

The following are examples of items NOT reimbursed.

- a) Reimbursement for meals and incidental costs during travel.
- b) Previously approved travel costs that are not broken out and itemized on the examiner's bill.
- c) Work done outside the agreed upon location unless previously authorized by the Court Administrator or as further ordered by the court.

## 3. Cancellation or Continuance of Trial

The court shall attempt to give notice of cancellation or continuation of trial at least 24 hours prior to the start of the court proceeding, excluding weekends and official state holidays.

If an examiner appears at the courthouse and discovers a case has been cancelled or continued the examiner may bill for the actual round trip time expended to appear for the cancelled or continued proceeding at a rate not to exceed the hourly rate as established by the district in Paragraph A and/or the Travel rate as established in Paragraph B 2.

Approval:



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Sue Dosal, State Court Administrator

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April 29, 2010

Date