



# MINNESOTA JUDICIAL BRANCH

Psychological/Psychiatric Examiner Services

## Examiner Program Manual

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# Psychological/Psychiatric Examiner Services Program Manual

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# Psychological/Psychiatric Examiner Services Program Manual

## Introduction

The Psychological/Psychiatric Examiner Services Program Manual (Program Manual) establishes procedures for the administration of [State Court Administrator Policy 510 \(a\) – Psychological/Psychiatric Examiner Services Payment Policy \(Payment Policy\)](#) and [Policy 510 \(b\) – Psychological/Psychiatric Examiner Services Roster Policy \(Roster Policy\)](#). The Program Manual also provides best practice guidance for examiner services and procedures for invoicing, complaint, and Roster removal processes conducted by the State Court Administrator (SCA) and the State Court Administrator’s Office (SCAO).

The guidelines and procedures established in this manual pertain to examiners serving on the State Court Administrator’s Roster of Qualified Examiners (Roster). Examiners serving on the Roster have been vetted as qualified examiners for civil commitment and adult Rule 20 examinations in Minnesota District Courts. The Roster, SCA policies, or the Program Manual do not apply to psychological or psychiatric examiners that may be appointed or participate in other types of assessments or evaluations ordered by the court.

## Definitions

**Designee** – an individual appointed by the State Court Administrator to conduct reviews in examiner complaint and sanctioning matters.

**eFS** – refers to the Minnesota Judicial Branch electronic filing and service application.

**Forensic Psychology** – the American Board of Professional Psychology defines forensic psychology as the application of the science and profession of psychology to questions and issues relating to law and the legal system.

**Forensic Psychiatry** – the American Academy of Psychiatry and the Law defines forensic psychiatry as the application of psychiatric research and clinical practice to legal issues.

**Invoicing System** – refers to the Psychological/Psychiatric Examiner Services Invoicing Application used by examiners to submit invoices for payment of services performed in court-appointed examinations.

**Licensing Board** – refers to the psychological or medical licensing board that issues state licenses to court-appointed examiners.

**Minnesota Management and Budget Office (MMB)** – State of Minnesota Office that manages vendor and payment information for non-employee examiners.

**Payment Policy** – refers to SCA Policy 510(a) that establishes compensation rates for services and travel performed by Rostered examiners during the course of a court-appointed examination.

**Roster of Qualified Examiners (Roster)** – a list of psychological and psychiatric examiners published by the State Court Administrator that meet the definition of a court-appointed examiner set by §253B.02 Subd. 7 and requirements set by SCA Policy 510(b) to conduct court-appointed forensic evaluations in civil commitment and adult Rule 20 matters.

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**Roster Policy** – refers to SCA Policy 510(b) that establishes qualifications and requirements for psychological and psychiatric examiners to be listed on the SCA Roster of Qualified Examiners (Roster). It also sets reporting requirements and criteria for examiner removal from the Roster.

**Rostered Examiners** - refers to examiners listed on the Roster of Qualified Examiners.

**SCAO** – the acronym for the State Court Administrator’s Office.

## Examiner Qualifications

The definition of a qualified examiner civil commitment proceedings and proceedings under Minn. R. Crim. P. Rule 20 proceedings is provided in Minn. Stat. §253B.02 Subd. 7. Examiners must meet additional qualifications set by the Roster Policy to serve on the State Court Administrator’s Roster of Qualified Examiners (Roster). The Roster Policy requires courts to select employee, contract, or other rostered examiners before selecting non-rostered examiners for appointments in commitment or adult Rule 20 proceedings.

## Application Procedures

To apply to the Roster, examiners must meet the qualifications noted in Section II. Examiners must also complete an Examiner Information Form and enclose a vendor code issued by the State of Minnesota. Vendor codes are issued by the [Minnesota Budget and Management Office \(MMB\)](#).

Examiners must submit a signed affidavit attesting to their qualifications, good standing with their licensing board, and carriage of malpractice insurance. Examiners must also sign a Letter of Agreement and complete the [Orientation for Court-Appointed Forensic Examiners](#). An examiner’s license and good standing will be verified with their respective licensing board.

After an examiner’s qualifications and Roster requirements are confirmed, SCAO will add the examiner’s name to the Roster and send a written confirmation to the examiner. The examiner will also be sent their login information for the Invoicing System.

## Working for the Courts

### A. Court Appointments

The Roster Policy states courts must first appoint employee, contract, or other rostered examiners before appointing non-rostered examiners to a commitment or adult Rule 20 examination. Examiners are not required to accept an appointment by a court and should only accept exam appointments for which they are qualified to provide an opinion to the court.

### B. Non-Court Appointments

If an examiner is contacted by an entity other than a Minnesota District Court (ie. an attorney, county office, or state agency) to conduct an evaluation for a court proceeding, the examiner should confirm who will pay for the evaluation and where to submit their invoice. If the court is paying for the examination, a court-order order will be issued. Roster rates apply. Attorneys are not able to negotiate rates on behalf of the court.

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## C. Primary Address

Examiners must select a primary address to be listed on file with SCAO. The primary address will be used to calculate travel reimbursement.

## D. Conducting Exams

### 1. Professional Guidelines

SCAO encourages psychological examiners to conduct their examination practices according to the [Specialty Guidelines for Forensic Psychology](#). Psychiatric examiners are encouraged to conduct their examination practices according to the [Ethics Guidelines set by the American Academy of Psychiatry and the Law](#). In instances where questions of ethical or professional practices are raised, these guidelines may be consulted as a basis of sound practice.

### 2. Examiner Reports

Examiners are strongly encouraged to use the SCAO Examiner Report Templates available on the [Psychological Services webpage](#). The report templates ensure the court and its justice partners receive necessary and relevant information in a concise and predictable format. The templates are formatted to ensure examiners have the space to thoroughly and accurately provide their opinions to the court.

### 3. Filing examiner reports via eFS

Examiners are able to file their examiner reports using the eFS System. The examiner should confirm with court administration at the time the appointment is accepted whether the report must be filed via eFS. Further information and instructions on using eFS, are available on the [File in a District \(Trial\) Court webpage](#).

### 4. Use of Remote Technologies for Examiner Services

Minnesota Rules of General Practice, Rule 131 authorizes the use of telepresence technology, commonly referred to as "ITV," in civil proceedings. Examiners may use remote technologies, such as MN.IT Telepresence (ITV), to conduct interview or testimony services when appropriate. If an examiner chooses to provide testimony via remote technology, they should contact court administration to communicate this interest to the judge. If the court and examiner agree to provide testimony remotely, court administration will make the necessary technology arrangements.

Examiners that conduct non-testimony services using remote technologies are encouraged to note the use of remote technologies in their report to the court.

## E. Continuing Education

Examiners are required to complete forensic continuing education requirements every two years. Please consult the Roster Policy, section V.D. for further information on these requirements.

## F. Pre-Approved Expenses

Examiners that anticipate incurring overnight expenses are required to contact court administration for pre-approval of the expenses. Receipts must be submitted at time of invoice.

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## Billing for Services

Civil commitment and adult Rule 20 exams are billed through the Psychological/Psychiatric Examiner Services Invoicing System. Other court-appointed assessments or examinations are billed to other counties or agencies. If it's not clear where to direct the invoice, contact court administration in the county where the case is located.

### A. Billing Practices

Examiners may bill for the following services:

- Interview
- Record Review
- Report Writing
- Testimony
- Other Services

Examiners should limit the hours billed to the court to only the services listed above. The category of "Other Services" should be used sparingly and must include a note describing the services billed. Time should be billed in .25 hour increments.

If an examiner is billing for more than 16 hours in a day on one or more cases, the examiner should provide an explanation in the *Comments* field of the invoice explaining the reason for the extensive number of hours worked on that day.

The Payment Policy requires that examiners submit an invoice for their work no later than 60 days from the latest date of service. A second invoice may be submitted if the court requests additional services from the examiner, such as testimony, after the examiner's initial invoice is submitted to the court.

Additional Billing Resources:

[Invoice Checklist to Manually Track Examiner Hours](#)  
[Examiner Invoicing Quick Reference](#)

### B. Payment

Payments to examiners are issued by the Minnesota Management and Budget Office (MMB). Examiners are encouraged to create a [SWIFT Vendor Services](#) account with MMB to manage their contact, banking, payment, and tax information with the State of Minnesota.

### C. Audit

SCAO may periodically conduct an audit of examiner services expenditures. Examiners are accountable for any overbilling to the court. If it is determined the examiner overbilled the court for examination services or travel, the examiner will be expected to repay the overage to the court.

## Reporting Requirements & Instructions

The Roster Policy requires examiners to report in writing any criminal charges or convictions or licensing investigations or violations within 30 days of notification. Charges, convictions, investigations, and/or violations must be submitted in writing to the SCAO Psychological/Psychiatric Examiner Services Program and delivered to either of the addresses noted

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in section VII.A. Reports of administrative investigations or criminal charges should include the date and description of the investigation and/or charge. Convictions and corrective or disciplinary action reports should include the date of the action and a description of the sentence or action.

### Complaint and Policy Violations

Any person who believes an examiner has violated the Roster or Payment policies, may initiate a complaint by filing it in accordance with the process set forth below. Complainants may include judicial officers, other examiners, court staff, attorneys, parties, or members of the public. SCAO Program Staff (Program Staff) will evaluate the complaint to determine whether the alleged conduct would, if true, constitute a violation of the Roster or Payment Policies. Complaint investigations will be conducted according to the Procedures set forth below.

Complaints about the professional conduct, expertise, skill(s), or ethical conduct of licensed psychologists and psychiatrists may be referred by the State Court Administrator to the appropriate licensing board.

#### A. Filing a Complaint

Complaints must be submitted in writing via US Mail or email and provide the following information:

1. The nature of the complaint and a description including when, where, and what happened.
2. Contact information of the complainant.
3. Any witnesses and their contact information.

Written notification may be delivered or mailed to:

Psychological/Psychiatric Examiner Services Program  
State Court Administrator's Program  
Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, MN 55155-1500.

Complaints submitted by email should be sent to [psychexaminerprogram@courts.state.mn.us](mailto:psychexaminerprogram@courts.state.mn.us).

#### B. Evaluating Complaints

Program Staff will review the complaint and determine, if true, whether it constitutes a violation of the Roster or Payment Policies.

1. If the complaint is determined to be a potential Roster or Payment Policy violation, Program Staff will conduct an investigation.
2. If the complaint is determined to not be a violation of the Roster or Payment Policies, Program Staff will dismiss the complaint and notify the complainant via US Mail. The complainant may appeal the decision to dismiss the complaint by submitting a written request to review the decision to dismiss the complaint no later than 15 days from the date of the decision. The request for review may be delivered to the address noted in section VII.A.

The State Court Administrator or her/his designee will review the decision to dismiss the complaint. If it is determined the complaint would constitute a policy violation, Program Staff will proceed with an investigation. If it is determined the complaint is not a policy violation, the complaint will remain dismissed and the decision

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will be final.

3. If it is determined the complaint does not violate the Roster or Payment Policies, but does raise concerns about an examiner's professional or ethical conduct or competence, the complaint will be dismissed and may be referred to the appropriate licensing board.

## Investigating Complaints & Policy Violations

### A. Notification of Investigation

Program Staff will send a Notification of Investigation letter notifying the examiner of the alleged complaint(s) or violation(s) and its intent to investigate the matter.

### B. Response

The examiner will have 20 days to respond to the alleged complaint or violation. A response shall be submitted in writing and include the following:

1. whether or not the examiner disputes the alleged conduct or violation;
2. any information and/or evidence the examiner would like to provide to support their response; and
3. the names and contact information for people the examiner uses as references or in support of their response.

Responses shall be submitted in writing to the State Court Administrator, signed, and delivered to either of the addresses noted in section VII.A.

### C. Findings

Upon completion of the investigation by Program Staff, the report of findings and recommendation shall be provided to the State Court Administrator for a determination of need for discipline.

1. Dismissal. If the State Court Administrator determines that disciplinary action is not warranted, the complaint shall be dismissed and the examiner and the complainant shall be notified of the decision by first class mail. The notification shall include an explanation of the reason(s) for the determination. Such a determination by the State Court Administrator shall be final.
2. Acceptance. If the State Court Administrator determines that disciplinary action is warranted, s/he may impose the sanctions as recommended in the report of findings and/or any additional sanctions s/he deems appropriate. The examiner shall receive written notification of the decision via certified mail.

### D. Corrective and Disciplinary Action

If the State Court Administrator finds that the examiner has engaged in conduct which violates the Roster or Payment Policies, s/he shall impose such corrective or disciplinary action as deemed appropriate. In determining the type of corrective or disciplinary action, the State Court Administrator shall consider the recommendation in the report of findings, the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the complainant and/or the Court, and any other mitigating or aggravating information presented.

Corrective or disciplinary action(s) that may be imposed include, but are not limited to:

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1. issuing a private reprimand;
2. issuing a corrective order with which the examiner must comply in order to remain on the Roster of Examiners;
3. requiring that restitution be paid;
4. requiring that certain educational courses be taken;
5. imposing costs and expenses incurred by the State Court Administrator and/or designee in connection with the proceeding, including investigative costs, if any;
6. requiring that the examiner work with a mentor, or that the examiner's work be supervised;
7. suspension of the examiner for a designated period of time; and/or
8. permanent prohibition from serving on the Roster.

If disciplinary action includes suspension or revocation of the examiner's roster qualification, the State Court Administrator shall specify the conditions and timeframe, if any, within which the examiner may be reinstated.

## **E. Notice of Disciplinary Action**

The notice shall include the reason, length, and conditions of the corrective or disciplinary action(s) or removal from the Roster up to and including permanent revocation of eligibility to serve on the Roster. The letter will be sent to the examiner via certified mail.

## **Review Process**

An examiner may request a review of the corrective or disciplinary decision if the recommended action is referenced in section VIII.D.2-8 above and the examiner submits a timely request for review.

- A.** The request must be received by SCAO no later than 30 days from the date of the Notice of Disciplinary Action. The request for review shall:
- be submitted in writing to SCAO, signed, and delivered to either address noted in section VII.A;
  - state the reason(s) the examiner disagrees with the decision;
  - provide any evidence that supports the examiner's position; and
  - specify whether a hearing or paper review is requested.

If the examiner does not specify a hearing or paper review, then a paper review will be conducted. If a request for review is not received by SCAO within 30 days, SCAO will proceed with the disciplinary or corrective action(s).

## **B. Designee**

The State Court Administrator may appoint another individual to act on her/his behalf in carrying out any of the duties in this section.

## **C. SCAO Response**

Program Staff shall issue a response to the examiner's request for review no later than 20 days after receipt of the examiner request.

## **D. Decision**

The State Court Administrator or designee shall review the examiner's request and Program Staff response and make a determination within 20 days of receipt of the review documents if the review is conducted in a paper

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format. If a hearing is conducted, the decision shall be issued in 25 days of receipt of the review documents. The decision of the State Court Administrator or designee shall be final.

### **E. Notification of Decision**

SCAO will notify the examiner of the decision by the State Court Administrator or her/his designee. A letter informing the examiner of the decision will be sent by first class mail. If the decision for corrective or disciplinary action is upheld, the reason for the decision and its timeframe.

## Confidentiality

### **A. Publication of Disciplinary Actions**

If a complaint and investigation results in a corrective or disciplinary action and a change to the examiner's roster status occurs, the status change will be available to judicial officers, court administrators, and, if appropriate, the examiner's name will be removed from the Roster of Examiners.

- B.** If a complaint and investigation results in corrective or disciplinary action and a change to the examiner's roster status does not occur, the decision will not be disseminated, but shall remain accessible to the public upon request as provided in section VII of the Roster Policy.