



## Minnesota Judicial Branch Policy and Procedures/Procedures

<b>Policy Source:</b>	State Court Administrator
<b>Policy Number:</b>	510(a)
<b>Category:</b>	Court Operations
<b>Title:</b>	Psychological/Psychiatric Examiner Services <del>Examiner</del> Payment Policy
<b>Origination Date:</b>	June 20, 2008
<b>Effective Date:</b>	July 1, 2008; <u>October 1, 2019</u>
<b>Revision Date:</b>	<u>August 19, 2019</u>
<b>Contact:</b>	Director of Court Services Division

### Psychological/Psychiatric Services Examiner Services Payment Policy

#### I. POLICY

Judicial Council Policy 510; Psychological/Psychiatric Examiner Services, establishes the Psychological/Psychiatric Examiner Services Program and authorizes the State Court Administrator to implement statewide policies and business practices.

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/Psychiatric Examiner Services Payment Policy applies to:

- A. all district courts in the appointment of ~~a court ordered examination examiners in court-~~ ordered civil commitment and proceedings under Minn. R. Crim. P. 20;
- B. all district courts in the processing of examiner invoices; and
- C. all non-employee examiners who perform court-ordered examinations for ~~the courts civil~~ commitment and Minn. R. Crim. P. 20 proceedings.

#### III. DEFINITIONS

- A. Examiner – a person qualified to conduct court-appointed examinations according to State Court Administrator Policy and Procedures 510 (b); Psychological/Psychiatric Examiner Services Roster Policy. ~~“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.~~

- B. “Metropolitan (metro) Area” refers to the seven (7) county metro area: Hennepin, Ramsey, Washington, Anoka, Dakota, Scott, and Carver.
- C. Roster of Qualified Examiners (Roster) -The list of qualified forensic psychological and psychiatric examiners published by the State Court Administrator’s Office.
- D. Roster Policy - The State Court Administrator Policy and Procedures 510(b); Psychological/Psychiatric Examiner Services Roster Policy, establishing the Roster of Qualified Examiners.

#### IV. COMPENSATION

The compensation established for court-ordered psychological and 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. Civil Mental Health Commitment Cases and Criminal Rule 20

- a. The maximum examiner rate for civil mental health commitment cases and criminal Rule 20 competency/criminal responsibility cases shall be:
  - i. Metro area                      \$105.00 per hour.
  - ii. Outstate area                    \$125.00 per hour.
- b. Exams performed in the metro for outstate counties, by an examiner whose primary location is in the metro, will be paid at the metro rate.
- c. Examiner services performed in the metro for outstate counties, by an examiner whose primary location is in the metro, will be paid at the metro rate.

##### 2. Sexually Dangerous Persons and/or Sexually Psychopathic Personality Cases

- a. The maximum statewide rate for Sexually Dangerous Persons and/or Sexually Psychopathic Personality cases is \$125.00 per hour.
  - b. A maximum fee of \$5,000 per exam 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. COMPENSATION & 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. Examiners shall be paid for time conducting the following services:
  - a. **Record Review:** Time spent by the examiner reviewing medical, court, or ancillary records used to make an examination determination for the court. Includes time spent retrieving and organizing medical records.
  - b. **Interviews:** Time spent by an examiner speaking with or observing a respondent, defendant, or collateral person in order to make an examination determination for the court.
  - c. **Psychometric Testing:** Time spent by an examiner administering tests to the respondent or defendant, observing test completion in accordance with test protocol, and interpreting psychometric testing results.
  - d. **Report Writing:** Time spent by the examiner writing the examination report submitted to the court.
2. INTERPRETER SERVICES
  - a. Examiners shall be reimbursed for costs of hiring an interpreter to conduct a defendant, respondent, or collateral person interview at a rate not to exceed rates

set by State Court Administrator Policy and Procedures 513(a); Court Interpreter Payment Policy.

- b. If the court scheduled and paid for the interpreters, see State Court Administrator Policy and Procedures 513(a); Court Interpreter Payment Policy.

### 3. TESTIMONY

- a. Examiners shall be paid for testimony services related to the direct and cross examination of the court-ordered report only.
- b. 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 a case-by-case basis with judicial authorization.~~
- c. If an examiner appears for a hearing, either in person or remotely, the examiner may bill for testimony service time from the time they were scheduled to appear until the completion of their testimony.

### 4. TRAVEL

- a. Travel time will be paid at 60% of the hourly compensation rate as established by the district in Section IV. A. The 2<sup>nd</sup> and 4<sup>th</sup> Judicial Districts shall reimburse examiner travel if service is provided outside the metro area.
- b. There will be no reimbursement for mileage.
- c. When overnight travel is required, the Court Administrator or designee may authorize reasonable expenses prior to the examiner's travel based upon the Judicial Branch's travel policy.
- d. The following are examples of items NOT reimbursed.
  - i. Reimbursement for meals and incidental costs during travel.
  - ii. Previously approved travel costs that are not ~~broken out and~~ itemized on the examiner's bill.
  - iii. Work done outside the agreed upon location unless previously authorized by the Court Administrator or as further ordered by the court.
- e. Travel time will be calculated from origination to destination and will be calculated in the invoicing system via an online mapping service<sup>1</sup>. The shortest route will be paid unless the examiner provides a justification for a longer route that is approved by the court administration. Examples of an acceptable longer

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<sup>1</sup> In coordination with the release of the Examiner Resource Application (ERA).

route, might include construction detours, flooding, or icy or other closed roads.

- f. Examiners are expected to combine travel segments when possible rather than completing a roundtrip segment for each exam appointment. Segments should be billed to the corresponding examination assignment.

## 5. CASE DISMISSAL OR TRIAL CANCELLATION OR CONTINUANCE

### a. Case Dismissal

- i. Examiners shall be reimbursed for time and expenses incurred conducting examination work prior to a case dismissal.
- ii. Examiners will not be reimbursed for any time or services incurred by an examiner after the examiner is notified of a case dismissal.

### b. Trial Cancellation or Continuance

- i. If an examiner receives notice of cancellation or continuation of trial less than 24 hours from the start of the court proceeding, but before they appear at the courthouse, the examiner may bill for one hour of service time at 60% of the hourly rate set in section IV.A.
- ii. The court shall ~~attempt to~~ give notice of cancellation or continuation of trial as soon as possible and attempt to give notice at least 24 hours prior to the start of the court proceeding, excluding weekends and official state holidays. An examiner given notice of trial cancellation or continuance at least 24 hours prior to the start of a court proceeding will not be compensated for services or travel incurred after the notification.
- iii. If an examiner appears at the courthouse ~~and discovers~~ and has not previously been notified that a case has been settled, cancelled, or continued, the examiner may bill for one hour of their time at a rate not to exceed the hourly rate established in section IV.A. Examiners may bill for the actual round trip travel time expended to appear for the settled, cancelled, or continued proceeding at a rate not to exceed the hourly rate as established by the district in ~~4~~Paragraph A and/or the Travel rate as established in ~~Paragraph B-2~~ section IV.B.

## 6. Non-Appearance at Examination

- a. When an examiner travels to an interview and the defendant or respondent does not appear, an examiner may bill for time spent waiting up to one hour according to the compensation rates established in section IV.A.
- b. Travel time shall be reimbursed at the travel compensation rates established in section IV.B.4.

- c. The examiner must notify court administration that the defendant or respondent did not appear for the interview.

#### C. BILLING PRACTICES

Reasonable expenses may be reimbursed pursuant to the following guidelines:

1. All requests for compensation and reimbursement shall be submitted within 60 days of the last billable activity on a case.
2. If testimony occurs after the 60 day period, examiners may submit a separate invoice for testimony related expenses.
3. Examiners with a pattern of failure to adhere to the 60 day submission policy may be removed from the Roster pursuant to section IV.C.3 of Policy 510(b) Psychological/Psychiatric Examiner Services Roster Policy.

#### D. INSUFFICIENT AND UNTIMELY EXAMINER REPORTS

Examiners that submit examiner reports to the Court that are not timely (without prior consent), do not meet the statutory requirements of an examiner report according to Rule 12 of the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Acts, or do not meet the requirements set by Rule 20 of the Minnesota Rules of Criminal Procedure, may be subject to investigation and possible removal from Roster.

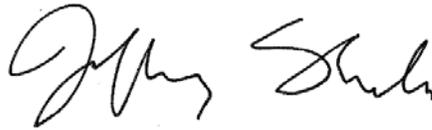
#### V. **Financial Oversight**

- A. Examiner work and compensation are subject to Judicial Council Policy 220; Internal Audit Policy.
- B. The State Court Administrator will review audit findings to determine if violations of State Court Administrator Policy and Procedures 510(a); Psychological/Psychiatric Examiner Services Payment Policy, or State Court Administrator Policy and Procedures 510(b); Psychological/Psychiatric Examiner Services Roster Policy, occurred.
- C. Examiners may be responsible for reimbursing the Minnesota Judicial Branch for any overpayments identified as a result of an audit and/or removed from Roster.

#### **Revision History:**

August 19, 2019: Section IV.A.2. - Language revisions; section IV.B.1. - addition of allowable expenses and definition of expenses; section IV.B.2. - addition of out-of-pocket expenses language, clarification on testimony preparation compensation, language revisions to travel policy, and addition of Hennepin and Ramsey County Court travel policy; section IV.B.4. – language revisions and clarification on tracking and billing travel time; section IV.B.5. – revision of canceled testimony compensation policy; section IV.B.6. – addition of Non-Appearance at Examination section; section IV.B.7. – addition of Interpreting Services section; section IV.C. – addition of Billing Practices section; section V. – addition of Financial Oversight section.

Approval:



Jeffrey Shorba, State Court Administrator

August 19, 2019

Date