

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Board of Marriage and Family Therapy

Adopted Emergency Rules Relating to Marriage and Family Therapy

Rules as Adopted

5300.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360 [Emergency], unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 3. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 4. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certified process must include:

A. eligibility requirements established through education or experience or both;

B. successful completion of a competency-based written examination;

C. successful demonstration of competent clinical skills; and

D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 5. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 6. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who

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is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 8. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 9. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160 [Emergency], and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 10. **Therapist.** "Therapist" means a licensee of the board.

Subp. 11. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360 [Emergency].

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, section 148B.38, shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family ~~therapy~~ therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

Subp. 3. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper,

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magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, or television broadcasting.

5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of ~~part~~ parts 5300.0110 to 5300.0360 [Emergency] so long as they do not represent themselves by a title denoting marriage and family ~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i) and (ii);

B. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150 [Emergency];

C. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency];

D. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350 [Emergency]; and

E. pass both parts of the examination listed in part 5300.0240 [Emergency].

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

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5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution which complies with the following curriculum:

A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;

B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. one course in professional studies covering

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professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of face-to-face contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 50 percent may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course with a minimum of 45 classroom contact hours. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F.

Subp. 3. **Transition period.** For purposes of the transition period in Minnesota Statutes, section 148B.34, an applicant may establish coursework equivalency as provided for in subpart 2 if the applicant has earned at least a master's degree in the following subject fields from a regionally accredited institution before July 1, 1989:

A. social work;

B. psychology;

C. medicine;

D. psychiatric nursing;

E. pastoral counseling;

F. divinity or theology;

G. human development;

H. applied child and family development;

I. family social science;

J. counseling;

K. anthropology;

L. sociology; or

M. criminal justice.

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Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in ~~subparts~~ subpart 2 ~~and~~ or 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the number of hours of face-to-face contact with the supervisor, and

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the name and qualifications of each supervisor.

Subp. 5. ~~Counseling~~ Therapy requirements. The applicant must demonstrate ~~counseling~~ therapy in the following categories of cases for at least 50 percent of the supervisory experience required:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family ~~counseling~~ therapy, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least two years experience in clinical practice as a marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency]; or

B. has been practicing marriage and family therapy for at least ten years; and:

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(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350 [Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required, nonrefundable fee for application for admission to written

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examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for admission to written examination which must be accompanied by

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by Revisor _____

the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

Subp. 2. **Verification of information; board's powers.** The

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by Revisor _____

board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the applicant to provide verification.

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by Revisor _____

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to written examination under part 5300.0190 [Emergency] must pay

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by Revisor _____

the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public;

D. ~~the applicant's clinical practice skills;~~

~~E.~~ the applicant's declared competencies; and

~~F.~~ E. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

5300.0250 [Emergency] RECIPROCITY.

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Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial license granted on May 6, 1989, is valid from May 6, 1989, to

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by Revisor _____

December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best knowledge and belief of the licensee.

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Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 ~~and~~ or fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall send the letter to the licensee's last known address on record

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with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and

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B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year~~,-corresponding-with-the-licensee's-license-renewal-date~~.

Subp. 3. **Documentation of courses.** When the licensee applies for renewal of the license, the licensee must submit

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documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

(1) the course title;

(2) the number assigned to the course by the board;

(3) the course provider;

(4) the number of hours of instruction attended by the licensee;

(5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

(1) human, biological, psychological, and social development;

(2) human sexuality;

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(3) psychopathology;

(4) cross-cultural mores and values;

(5) professional issues, ethics, and family law;

(6) human communication;

(7) theories of marriage, family, and child therapy;

(8) research methodology;

(9) theories and application of psychological testing;

(10) methods of supervision;

(11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or

(12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;

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(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

(5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. **Grounds for denial of approval.** The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. **Grounds for revoking approval.** The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. **Committee evaluation.** The board shall use a committee, which may include nonboard members, to evaluate

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applications for course approval.

Subp. 9. **A licensee's application for course approval.** A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;

(3) a detailed description of the course content;

(4) the name of each instructor making a presentation, and the instructors' credentials; and

(5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. conventions;

B. workshops and seminars;

C. lectures;

D. college postgraduate courses; and

E. graduate study.

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Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;

B. educational workshops and seminars or their equivalent are given credit on an hour-for-hour basis;

C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and

D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis.

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five

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years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or

B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or certified mail postmarked within three days from the effective

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date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the ~~application~~ petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the variance continue to exist. A licensee or applicant who has

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been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

~~Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the public against unethical practices and must not hesitate to~~

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~~expose unethical practices.~~

Subp. ~~5~~ 4. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students, employees, or supervisees is prohibited.

D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

G. A therapist must recognize that there are other

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professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6 5, item ~~e~~ D or ~~f~~ K. 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 therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable adults.

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O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6 5. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the ~~therapists~~ therapist's professional judgment or increase the risk of exploitation. Examples of dual relationships include, but are not limited to, business or close personal relationships

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with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

K. In the course of professional practice, a

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therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. ~~7~~ 6. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A

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their sessions.

H. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. ~~8~~ 7. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

5300.0360 [Emergency] FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

A. application for licensure fee during transition period, $300;

B. application for admission to written examination fee, $200;

C. written examination fee, $175;

D. application for licensure fee, $100;

E. initial license fee, not to exceed $100;

F. license by reciprocity fee, $300;

G. annual renewal of license fee, $100;

H. late renewal fee, $50;

I. reinstatement of license fee, $50;

J. penalty fee, $75;

K. sponsor's application for approval of a continuing education course fee, $100.

The initial license fee in item E will be prorated accordingly depending on the month in which the initial license is granted.

~~EFFECTIVE-DATE.--The-effective-date-of-parts-5300.0100-to 5300.0360-[Emergency]-is-December-15,-1988.~~

Approved by Revisor _____

APPROVED AS TO FORM AND LEGALITY

December 19 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Julie A Zeppenfeld
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 27 1989

Joan Anderson Growe
Secretary of State

4:30 PM

ATTORNEY GENERAL

January 3, 1988

LOIS E. MIZUNO
Executive Director

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to
Marriage and Family Therapy Board

The above-referenced rule has been approved as to its legality by the Attorney General on December 19, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accoradance with Minn. Stat. §14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. §14.34.

If you have any questions in this regard, please contact me.

JAL:rer
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

December 16, 1988

The Office of the Attorney General
515 Transportation Bldg.
John Ireland Blvd.
St. Paul, MN 55155

Attorney General's Decision--Board of Marriage and Family Therapy
Emergency Rules

Dear Sirs:

Please send me a copy of the Attorney General's decision regarding review of the emergency rules of the State Board of Marriage and Family Therapy (as mentioned in the notice of submission, first page included).

Thank you,

C. Patsche

Cynthia Patsche
1275 Hubbard
St. Paul, MN 55104

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of the Emergency Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists	NOTICE OF SUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned emergency rules as adopted, have been submitted to the Office of the Attorney General on the date of this notice, November 23, 1988, for review as to legality and form to the extent form relates to legality. The proposed emergency rules, the rules as adopted, all the notices, all written comments received and other required documents also have been submitted to the Attorney General.

The proposed emergency rules which were published in the State Register and made available to the public on October 17, 1988, have been modified. A free copy of the emergency rules as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rules is available upon request from:

Deborah L.Mancheski
Executive Director,
Board of Marriage and Family Therapy
2700 University Avenue West, #225
St. Paul, MN 55114
Telephone: (612) 643-2586

The rules must be approved or disapproved by the Attorney General on the tenth working day following date of receipt of the rules. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rules or the legality of the specific parts or subparts of the rules. The Attorney General standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the Attorney General's decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT: Board of Psychology

Office Memorandum

TO: Office of the Attorney General
515 Transportation Building
St. Paul, MN 55155

DATE: 12/14/88

FROM: Lois E. Mizuno Lois E Mizuno
Executive Director

PHONE: 642-0587

SUBJECT: Proposed Emergency Rules of the Marriage and Family Therapy Board

Attached is a copy of the memo previously forwarded to your office. I do not know whether it is necessary to resubmit the memo following the withdrawal and resubmission of the Board's Proposed Emergency Rules, but do not want to take the chance. The comments are hereby being resubmitted.

I apologize for the memo being a copy rather than the original pulled from my computer.

I wish to stress that I believe the rule regarding educational requirments to be a very serious potential harm to the public and request that you carefully review the issue of whether the Board is exceeding its statutory authority in proposing rule part 5300.0140.

Thank you.

November 30, 1988

TO: Office of the Attorney General

FROM: Lois E. Mizuno, Executive Director
Boards of Psychology and Podiatric Medicine

RE: Proposed Emergency Rules
of the Board of Marriage and Family Therapy

INTRODUCTION

The following comments represent my own personal opinions. I have not been requested by the Board of Psychology to comment on the proposed emergency rules, primarily because time constraints and the press of other business has prevented an in depth explanation of the proposed emergency rules which would have permitted an official Board response. However, both the members of the Board of Psychology and the Board's counsel will receive copies of these comments. My comments result from over seven years of experience as Executive Director of the Board of Psychology, which has included the proposal and adoption of comprehensive rule amendments in 1982 and the proposal of equally comprehensive rule amendments in 1988, which have not yet been adopted.

5300.0110. [Emergency] LICENSE REQUIREMENT.
5300.0120. [Emergency] EXCEPTIONS TO LICENSURE REQUIREMENT.

The Board's amendments to these rule parts correct my original objections to the text concerning the Board exceeding its statutory authority in prohibiting anyone licensed by another Board from practicing marriage and family therapy. However, it was not until these comments were prepared for the Attorney General that an equally serious objection surfaced: Both rules purport to regulate the conduct of individuals who are outside the jurisdiction of the Board, that is, individuals not licensed by the Board. As such, the parts are unenforceable and do not meet the Attorney General's standards of review: the rules, by their terms, cannot have the force and effect of law.

I recommend that both rule parts be deleted. Minnesota Statutes, sections 148B.32 and 148B.38 are sufficient guarantees against unlicensed individuals practicing marriage and family therapy or holding themselves out to be marriage and family therapists.

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS.

It appears to me that subpart 3 clearly exceeds the Board's statutory authority. It is clear from the Board's amendment to subpart 4 that during the transition period the provisions of subpart 2 are met by a master's degree in one of the listed subject fields, without having to demonstrate completion of the coursework required in subpart 2. Minn. Stat. S 148B.34 provides a waiver of the examination during the transition period. It does not permit the Board to waive any other licensure requirements, nor to set a lower education standard for licensure during the interim period. The subpart, therefore, does not meet the Attorney General's standards of review.

In addition to the subpart being outside the Board's statutory authority, it is counter-productive to the purpose of a licensure law - the protection of the public. Items F, K, and M bear little or no relationship to the definition of marriage and family therapy found in Minnesota Statutes, section 148B.29, subdivision 3. Note that the Board distinguishes between "pastoral counseling" and "divinity or theology"; it is in keeping with the Board's distinction that item F is included here.

The Board's stated reasons for not deleting or amending this subpart (paragraphs 120 - 130 of the Findings of Fact, conclusions, and Order Adopting Emergency Rules) do not substantiate the Board's assertion that the Board is not exceeding its statutory authority or that the subject fields included in the subpart provide reasonable protection for the public. Specific comments by paragraph follow.

121. The Board is correct that it has statutory authority to license individuals with degrees in related fields for which course work is considered by the Board to be equivalent to a degree in marriage and family therapy. The Board, however, has no statutory authority to set different educational standards for individuals licensed during the transition period from educational standards for those licensed after the transition period.

122. The Board's statement that subpart 3 is effective only during the transition period because of the Board being presented with a wide diversity of education backgrounds may be true, but the statement can equally be applied to the post-transition period. It is also true that individuals with widely diverse backgrounds may have been practicing what they call marriage and family therapy for years. However, years of practicing a profession which is unregulated is no guarantee of competence in that practice. Minimum competence to practice marriage and family therapy

must be demonstrated by an educational background which provides coursework equivalent to a marriage and family therapy degree. This subpart 3 does not do.

123. The Board cites the special problems of marriage and family therapists who have been practicing in the field for 10 years or more but who cannot establish the equivalency of subpart 2. The comments re paragraph 122 above also apply here. In addition, where in the rules does the requirement appear that an individual must have been in practice 10 years in order to be licensed? That requirement appears only in part 5300.0160, requirements for supervisor.

124. While it is true that marriage and family therapy as a separate profession or degree program has existed for a relatively short period of time, related coursework was available through other departments/programs, such as the various psychology programs, sociology (forerunner of social work), counseling, counseling, counselor education, etc. For this reason, it appears reasonable to apply subpart 2 to applicants during the transition period as well as during the post-transition period.

125. The Board can best avoid arbitrary and capricious decisions regarding educational qualifications of applicants by applying the provisions of subpart 2 to everyone who applies. Indeed, by implication the Board is saying here that its decisions vis-a-vis subpart 2 may be arbitrary and capricious. I trust that this will not be the case.

127, 128. The examples from other states do not support the inclusion of anthropology and criminal justice among the degrees permitted by subpart 3 to meet the education requirements of the law. Anthropology means the study of man. That study may include a study of the body and mind of humans and their inter-relationships, but it need not do so. The 1984-85 graduate catalogue of the University of Minnesota lists 36 courses with descriptions under the heading "Anthropology". Only two of those are reasonably related to the practice of marriage and family therapy. That means an applicant with a master's or doctoral degree in Anthropology from the University of Minnesota could not come close to meeting the requirements of subpart 2 unless extra courses in other departments were added to the student's program. It can be conceded that workers in the criminal justice system can and do provide counseling to criminal offenders, it is stretching it to equate that counseling with therapy based upon a knowledge of the principles, theories, and/or therapy techniques related to dysfunctional families.

gaj

File No. 1033 B 1540 Docket No. 05-0009-0476

DATE RECEIVED 11/23/88 ADOPTED W/O HEARING _____

REVIEW DATE _____ EMERGENCY RULE ✓

DUE DATE 12/9/88 REVISOR APPROVED ✓

APPROVED _____ REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN 12/2/88 RETURNED TO AGENCY _____

Order coming
Pub. resubmit Mar 12/5

___✓___ Rule as adopted (4 copies)

___✓___ Notice to Solicit Outside Information/Opinion (if applicable)

_____ Date published in State Register
_____ Comments

_____ ~~Petition for Adoption of a Rule (if applicable)~~

___✓___ Board's Authorizing Resolution

5/20/88 Date adopted

___✓___ Proposed Rule

yes Revisor's Certificate

___✓___ Notice of Intent to Adopt Rule

14B.31

14B.171 Statutory Authority
no Small Business Statement
no Expenditure of public money statement
yes Signature

_____ ~~Statement of Need and Reasonableness (if applicable)~~

_____ ~~Small Business Statement~~
_____ ~~Fees - § 16A.128~~

___✓___ Affidavit of Mailing Notice of Intent to Adopt Rule

10/14/88 Date 30/(25) days before adoption
OK Notice attached
_____ ~~Copy of rule or summary attached~~

___✓___ Publication in State Register

10/17/88 Date 30/(25) days before adoption

_____ 180-day deadline from:

_____ ~~end of comment period (§ 14.26) (rules without hearing)~~
12/31/88 last effective date of statutory authority (§ 14.29) (emergency rules)

___✓___ Resolution Adopting

11/18/88 Date adopted

___✓___ Findings of Fact, Conclusions & Order Adopting

11/23/88 Date

___✓___ Written requests, submissions or comments (9)

___✓___ Declaration of attorney

Robert Holley Name of SAAG representing agency

___✓___ Notice of Submission to Atty. Gen. (if applicable)

___✓___ Aff. of Mailing Notice to Atty. Gen. (if applicable)

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. 1540 Docket No. 05.0009.0476

RESUBMISSION DATE 12/5/88
DATE DUE 12/19

ADOPTED W/O HEARING ✓
EMERGENCY RULE _____

APPROVED _____
DISAPPROVED _____
WITHDRAWM _____

REVISOR APPROVED _____
REVISOR DISAPPROVED _____
FILED W/SEC. STATE _____
RETURNED TO AGENCY _____

____ **Does the revision raise significant new legal issues?**

_____ Review date

____ Rule as adopted (4 copies)

____ Supplemental Findings of Fact, Conclusions & Order Adopting

____ Board's Supplemental Resolution Adopting

____ Notice of submission to Attorney General

____ Affidavit of Mailing Notice to Attorney General

Board of Marriage and Family Therapy

Adopted Emergency Rules Relating to Marriage and Family Therapy

Rules as Adopted

5300.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360 [Emergency], unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 3. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 4. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certified process must include:

A. eligibility requirements established through education or experience or both;

B. successful completion of a competency-based written examination;

C. successful demonstration of competent clinical skills; and

D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 5. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 6. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who

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is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 8. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 9. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160 [Emergency], and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 10. **Therapist.** "Therapist" means a licensee of the board.

Subp. 11. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360 [Emergency].

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, section 148B.38, shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family ~~therapy~~ therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

Subp. 3. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper,

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magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, or television broadcasting.

5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of ~~part~~ parts 5300.0110 to 5300.0360 [Emergency] so long as they do not represent themselves by a title denoting marriage and family ~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i) and (ii);

B. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150 [Emergency];

C. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency];

D. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350 [Emergency]; and

E. pass both parts of the examination listed in part 5300.0240 [Emergency].

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

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5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution which complies with the following curriculum:

A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;

B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. one course in professional studies covering

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professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of face-to-face contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 50 percent may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course with a minimum of 45 classroom contact hours. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F.

Subp. 3. **Transition period.** For purposes of the transition period in Minnesota Statutes, section 148B.34, an applicant may establish coursework equivalency as provided for in subpart 2 if the applicant has earned at least a master's degree in the following subject fields from a regionally accredited institution before July 1, 1989:

A. social work;

B. psychology;

C. medicine;

D. psychiatric nursing;

E. pastoral counseling;

F. divinity or theology;

G. human development;

H. applied child and family development;

I. family social science;

J. counseling;

K. anthropology;

L. sociology; or

M. criminal justice.

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Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in ~~subparts~~ subpart 2 ~~and~~ or 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6. For purposes of this part, postgraduate means post-master's degree.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the

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number of hours of face-to-face contact with the supervisor, and the name and qualifications of each supervisor.

Subp. 5. **~~Counseling~~ Therapy requirements.** The applicant must demonstrate ~~counseling~~ therapy in the following categories of cases for at least 50 percent of the supervisory experience required:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family ~~counseling~~ therapy, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least two years experience in clinical practice as a marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency]; or

B. has been practicing marriage and family therapy

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for at least ten years; and:

(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350 [Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required,

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nonrefundable fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for

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admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

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Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the

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by Revisor _____

applicant to provide verification.

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to

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written examination under part 5300.0190 [Emergency] must pay the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public;

~~D. the applicant's clinical practice skills;~~

~~E.~~ the applicant's declared competencies; and

~~F.~~ E. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

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5300.0250 [Emergency] RECIPROCITY.

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial

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license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best

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knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 ~~and~~ or fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall

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send the letter to the licensee's last known address on record with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former

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licensee if the license had not expired; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year~~, corresponding with the licensee's license renewal date~~.

Subp. 3. **Documentation of courses.** When the licensee

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by Revisor _____

applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

(1) the course title;

(2) the number assigned to the course by the board;

(3) the course provider;

(4) the number of hours of instruction attended by the licensee;

(5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

(1) human, biological, psychological, and social development;

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by Revisor _____

(2) human sexuality;

(3) psychopathology;

(4) cross-cultural mores and values;

(5) professional issues, ethics, and family law;

(6) human communication;

(7) theories of marriage, family, and child therapy;

(8) research methodology;

(9) theories and application of psychological testing;

(10) methods of supervision;

(11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or

(12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon

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by Revisor _____

completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

(5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. **Grounds for denial of approval.** The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. **Grounds for revoking approval.** The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. **Committee evaluation.** The board shall use a

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committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 9. **A licensee's application for course approval.** A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;

(3) a detailed description of the course content;

(4) the name of each instructor making a presentation, and the instructors' credentials; and

(5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. conventions;

B. workshops and seminars;

C. lectures;

D. college postgraduate courses; and

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by Revisor _____

E. graduate study.

Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;

B. educational workshops and seminars or their equivalent are given credit on an hour-for-hour basis;

C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and

D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis.

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the

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requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or

B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or

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certified mail postmarked within three days from the effective date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the ~~application~~ petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the

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variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the

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by Revisor _____

public against unethical practices and must not hesitate to expose unethical practices.

Subp. 5. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students, employees, or supervisees is prohibited.

D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

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G. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6, item ~~e~~ D or ~~f~~ K. 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 therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable

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adults.

O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the ~~therapists~~ therapist's professional judgment or increase the risk of exploitation. Examples of dual relationships include,

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but are not limited to, business or close personal relationships with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

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K. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. 7. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all

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information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

A. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided in Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39. All other private information must be disclosed only with the informed consent of the client.

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

D. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

E. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

F. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

G. A therapist must obtain written, informed consent from each client before electronically recording sessions with

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that client or before permitting third-party observation of their sessions.

H. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. 8. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

5300.0360 [Emergency] FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

A. application for licensure fee during transition period, $300;

B. application for admission to written examination fee, $200;

C. written examination fee, $175;

D. application for licensure fee, $100;

E. initial license fee, not to exceed $100;

F. license by reciprocity fee, $300;

G. annual renewal of license fee, $100;

H. late renewal fee, $50;

I. reinstatement of license fee, $50;

J. penalty fee, $75;

K. sponsor's application for approval of a continuing education course fee, $100.

The initial license fee in item E will be prorated accordingly depending on the month in which the initial license is granted.

~~EFFECTIVE-DATE.--The-effective-date-of-parts-5300.0100-to~~

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~~5300.0360-{Emergency}-is-December-15,-1988.~~

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Emergency Rules Relating to Marriage and Family Therapy

AGENCY: Board of Marriage and Family Therapy

MINNESOTA RULES: Chapter 5300

The attached rules are approved for filing with the Secretary of State

Kathleen M. Traxler
Assistant Revisor

Board of Marriage and Family Therapy

Adopted Emergency Rules Relating to Marriage and Family Therapy

Rules as Adopted

5300.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360 [Emergency], unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 3. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 4. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certified process must include:

A. eligibility requirements established through education or experience or both;

B. successful completion of a competency-based written examination;

C. successful demonstration of competent clinical skills; and

D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 5. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 6. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who

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is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 8. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 9. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160 [Emergency], and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 10. **Therapist.** "Therapist" means a licensee of the board.

Subp. 11. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360 [Emergency].

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, section 148B.38, shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family ~~therapy~~ therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

Subp. 3. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper,

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magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, or television broadcasting.

5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of ~~part~~ parts 5300.0110 to 5300.0360 [Emergency] so long as they do not represent themselves by a title denoting marriage and family ~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i) and (ii);

B. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150 [Emergency];

C. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency];

D. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350 [Emergency]; and

E. pass both parts of the examination listed in part 5300.0240 [Emergency].

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

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by Revisor _____

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution which complies with the following curriculum:

A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;

B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. one course in professional studies covering

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professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of face-to-face contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 50 percent may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course with a minimum of 45 classroom contact hours. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F.

Subp. 3. **Transition period.** For purposes of the transition period in Minnesota Statutes, section 148B.34, an applicant may establish coursework equivalency as provided for in subpart 2 if the applicant has earned at least a master's degree in the following subject fields from a regionally accredited institution before July 1, 1989:

A. social work;

B. psychology;

C. medicine;

D. psychiatric nursing;

E. pastoral counseling;

F. divinity or theology;

G. human development;

H. applied child and family development;

I. family social science;

J. counseling;

K. anthropology;

L. sociology; or

M. criminal justice.

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Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in ~~subparts~~ subpart 2 ~~and~~ or 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6. For purposes of this part, postgraduate means post-master's degree.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the

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number of hours of face-to-face contact with the supervisor, and the name and qualifications of each supervisor.

Subp. 5. **~~Counseling~~ Therapy requirements.** The applicant must demonstrate ~~counseling~~ therapy in the following categories of cases for at least 50 percent of the supervisory experience required:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family ~~counseling~~ therapy, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least two years experience in clinical practice as a marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency]; or

B. has been practicing marriage and family therapy

Approved
by Revisor _____

for at least ten years; and:

(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350 [Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required,

Approved
by Revisor _____

nonrefundable fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for

Approved
by Revisor _____

admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

Approved
by Revisor _____

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the

Approved
by Revisor _____

applicant to provide verification.

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to

Approved
by Revisor _____

written examination under part 5300.0190 [Emergency] must pay the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public;

~~D. the applicant's clinical practice skills;~~

~~E.~~ the applicant's declared competencies; and

~~F.~~ E. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

Approved by Revisor _____

5300.0250 [Emergency] RECIPROCITY.

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial

Approved
by Revisor _____

license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best

Approved by Revisor _____

knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 ~~and~~ or fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall

Approved by Revisor _____

send the letter to the licensee's last known address on record with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former

Approved by Revisor _____

licensee if the license had not expired; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education <u>by December 31</u> every year~~,-corresponding-with-the-licensee's-license-renewal-date~~.

Subp. 3. **Documentation of courses.** When the licensee

Approved
by Revisor _____

applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

(1) the course title;

(2) the number assigned to the course by the board;

(3) the course provider;

(4) the number of hours of instruction attended by the licensee;

(5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

(1) human, biological, psychological, and social development;

Approved
by Revisor _____

(2) human sexuality;

(3) psychopathology;

(4) cross-cultural mores and values;

(5) professional issues, ethics, and family law;

(6) human communication;

(7) theories of marriage, family, and child therapy;

(8) research methodology;

(9) theories and application of psychological testing;

(10) methods of supervision;

(11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or

(12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon

Approved by Revisor _____

completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

(5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. **Grounds for denial of approval.** The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. **Grounds for revoking approval.** The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. **Committee evaluation.** The board shall use a

Approved
by Revisor _____

committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 9. **A licensee's application for course approval.** A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;

(3) a detailed description of the course content;

(4) the name of each instructor making a presentation, and the instructors' credentials; and

(5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. conventions;

B. workshops and seminars;

C. lectures;

D. college postgraduate courses; and

Approved
by Revisor _____

E. graduate study.

Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;

B. educational workshops and seminars or their equivalent are given credit on an hour-for-hour basis;

C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and

D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis.

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the

Approved
by Revisor _____

requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or

B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or

Approved
by Revisor _____

certified mail postmarked within three days from the effective date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the ~~application~~ petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the

Approved
by Revisor _____

variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the

Approved
by Revisor _____

public against unethical practices and must not hesitate to expose unethical practices.

Subp. 5. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students, employees, or supervisees is prohibited.

D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

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by Revisor _____

G. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6, item ~~e~~ D or ~~f~~ K. 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 therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable

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by Revisor _____

adults.

O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the ~~therapists~~ therapist's professional judgment or increase the risk of exploitation. Examples of dual relationships include,

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by Revisor _____

but are not limited to, business or close personal relationships with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

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by Revisor _____

K. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. 7. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all

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Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who

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Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in ~~subparts~~ subpart 2 ~~and~~ or 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6. For purposes of this part, postgraduate means post-master's degree.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the

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number of hours of face-to-face contact with the supervisor, and the name and qualifications of each supervisor.

Subp. 5. **~~Counseling~~ Therapy requirements.** The applicant must demonstrate ~~counseling~~ therapy in the following categories of cases for at least 50 percent of the supervisory experience required:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family ~~counseling~~ therapy, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least two years experience in clinical practice as a marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency]; or

B. has been practicing marriage and family therapy

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for at least ten years; and:

(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350 [Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required,

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by Revisor _____

nonrefundable fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for

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admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

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Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the

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applicant to provide verification.

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to

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by Revisor _____

written examination under part 5300.0190 [Emergency] must pay the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public;

~~D. the applicant's clinical practice skills;~~

~~E.~~ the applicant's declared competencies; and

~~F.~~ E. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

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5300.0250 [Emergency] RECIPROCITY.

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial

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by Revisor _____

license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best

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knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 and or fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall

Approved
by Revisor _____

send the letter to the licensee's last known address on record with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former

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licensee if the license had not expired; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year~~, corresponding with the licensee's license renewal date~~.

Subp. 3. **Documentation of courses.** When the licensee

Approved
by Revisor _____

applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

(1) the course title;

(2) the number assigned to the course by the board;

(3) the course provider;

(4) the number of hours of instruction attended by the licensee;

(5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

(1) human, biological, psychological, and social development;

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(2) human sexuality;

(3) psychopathology;

(4) cross-cultural mores and values;

(5) professional issues, ethics, and family law;

(6) human communication;

(7) theories of marriage, family, and child therapy;

(8) research methodology;

(9) theories and application of psychological testing;

(10) methods of supervision;

(11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or

(12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon

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completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

(5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. **Grounds for denial of approval.** The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. **Grounds for revoking approval.** The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. **Committee evaluation.** The board shall use a

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by Revisor _____

committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 9. **A licensee's application for course approval.** A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;

(3) a detailed description of the course content;

(4) the name of each instructor making a presentation, and the instructors' credentials; and

(5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. conventions;

B. workshops and seminars;

C. lectures;

D. college postgraduate courses; and

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by Revisor _____

E. graduate study.

Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;

B. educational workshops and seminars or their equivalent are given credit on an hour-for-hour basis;

C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and

D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis. Somewhat discretionary

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the

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requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or

B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or

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by Revisor _____

certified mail postmarked within three days from the effective date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the ~~application~~ petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the

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variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the

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public against unethical practices and must not hesitate to expose unethical practices.

Subp. 5. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students, employees, or supervisees is prohibited.

D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual or financial interests.

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G. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6, item ~~e~~ D or ~~d~~ K. 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 therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable

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adults.

O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the ~~therapists~~ therapist's professional judgment or increase the risk of exploitation. Examples of dual relationships include,

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but are not limited to, business or close personal relationships with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

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by Revisor _____

K. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. 7. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all

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information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

A. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided in Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39. All other private information must be disclosed only with the informed consent of the client.

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

D. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

E. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

F. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

G. A therapist must obtain written, informed consent from each client before electronically recording sessions with

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that client or before permitting third-party observation of their sessions.

H. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. 8. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

5300.0360 [Emergency] FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

A. application for licensure fee during transition period, $300;

B. application for admission to written examination fee, $200;

C. written examination fee, $175;

D. application for licensure fee, $100;

E. initial license fee, not to exceed $100;

F. license by reciprocity fee, $300;

G. annual renewal of license fee, $100;

H. late renewal fee, $50;

I. reinstatement of license fee, $50;

J. penalty fee, $75;

K. sponsor's application for approval of a continuing education course fee, $100.

The initial license fee in item E will be prorated accordingly depending on the month in which the initial license is granted.

~~EFFECTIVE-DATE.--The-effective-date-of-parts-5300.0100-to~~

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~~5300.0360-{Emergency}-is-December-15,-1988.~~

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Board of Marriage and Family Therapy

Adopted Emergency Rules Relating to Marriage and Family Therapy

Rules as Adopted

5300.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360 [Emergency], unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 3. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 4. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certified process must include:

A. eligibility requirements established through education or experience or both;

B. successful completion of a competency-based written examination;

C. successful demonstration of competent clinical skills; and

D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 5. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 6. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who

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is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 8. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 9. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160 [Emergency], and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 10. **Therapist.** "Therapist" means a licensee of the board.

Subp. 11. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360 [Emergency].

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, section 148B.38, shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family ~~therapy~~ therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

Subp. 3. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper,

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magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, or television broadcasting.

5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of ~~part~~ parts 5300.0110 to 5300.0360 [Emergency] so long as they do not represent themselves by a title denoting marriage and family ~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i) and (ii);

B. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150 [Emergency];

C. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency];

D. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350 [Emergency]; and

E. pass both parts of the examination listed in part 5300.0240 [Emergency].

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

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by Revisor _____

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution which complies with the following curriculum:

A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;

B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. one course in professional studies covering

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by Revisor _____

professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of face-to-face contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 50 percent may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course with a minimum of 45 classroom contact hours. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F.

Subp. 3. **Transition period.** For purposes of the transition period in Minnesota Statutes, section 148B.34, an applicant may establish coursework equivalency as provided for in subpart 2 if the applicant has earned at least a master's degree in the following subject fields from a regionally accredited institution before July 1, 1989:

A. social work;

B. psychology;

C. medicine;

D. psychiatric nursing;

E. pastoral counseling;

F. divinity or theology;

G. human development;

H. applied child and family development;

I. family social science;

J. counseling;

K. anthropology;

L. sociology; or

M. criminal justice.

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by Revisor _____

Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in ~~subparts~~ subpart 2 ~~and~~ or 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6. For purposes of this part, postgraduate means post-master's degree.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the

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number of hours of face-to-face contact with the supervisor, and the name and qualifications of each supervisor.

Subp. 5. **~~Counseling~~ Therapy requirements.** The applicant must demonstrate ~~counseling~~ therapy in the following categories of cases for at least 50 percent of the supervisory experience required:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family ~~counseling~~ therapy, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least two years experience in clinical practice as a marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency]; or

B. has been practicing marriage and family therapy

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by Revisor _____

for at least ten years; and:

(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350 [Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required,

Approved by Revisor _____

nonrefundable fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for

Approved
by Revisor _____

admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

Approved by Revisor _____

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the

Approved
by Revisor _____

applicant to provide verification.

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to

Approved
by Revisor _____

written examination under part 5300.0190 [Emergency] must pay the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public;

~~D. the applicant's clinical practice skills;~~

~~E.~~ the applicant's declared competencies; and

~~F.~~ E. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

Approved
by Revisor _____

5300.0250 [Emergency] RECIPROCITY.

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial

Approved
by Revisor _____

license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best

Approved
by Revisor _____

knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 ~~and~~ or fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall

Approved
by Revisor _____

send the letter to the licensee's last known address on record with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former

Approved
by Revisor _____

licensee if the license had not expired; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education <u>by December 31</u> every year~~,-corresponding-with-the-licensee's-license-renewal-date~~.

Subp. 3. **Documentation of courses.** When the licensee

Approved
by Revisor _____

applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

(1) the course title;

(2) the number assigned to the course by the board;

(3) the course provider;

(4) the number of hours of instruction attended by the licensee;

(5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

(1) human, biological, psychological, and social development;

Approved
by Revisor _____

(2) human sexuality;

(3) psychopathology;

(4) cross-cultural mores and values;

(5) professional issues, ethics, and family law;

(6) human communication;

(7) theories of marriage, family, and child therapy;

(8) research methodology;

(9) theories and application of psychological testing;

(10) methods of supervision;

(11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or

(12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon

Approved by Revisor _____

completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

(5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. **Grounds for denial of approval.** The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. **Grounds for revoking approval.** The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. **Committee evaluation.** The board shall use a

Approved
by Revisor _____

committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 9. **A licensee's application for course approval.** A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;

(3) a detailed description of the course content;

(4) the name of each instructor making a presentation, and the instructors' credentials; and

(5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. conventions;

B. workshops and seminars;

C. lectures;

D. college postgraduate courses; and

Approved by Revisor _____

E. graduate study.

Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;

B. educational workshops and seminars or their equivalent are given credit on an hour-for-hour basis;

C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and

D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis.

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the

Approved by Revisor _____

requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or

B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or

Approved
by Revisor _____

certified mail postmarked within three days from the effective date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the ~~application~~ petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the

Approved
by Revisor _____

variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the

Approved
by Revisor _____

public against unethical practices and must not hesitate to expose unethical practices.

Subp. 5. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students, employees, or supervisees is prohibited.

D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

Approved
by Revisor _____

G. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6, item ~~e~~ D or ~~f~~ K. 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 therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable

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adults.

O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the ~~therapists~~ therapist's professional judgment or increase the risk of exploitation. Examples of dual relationships include,

Approved
by Revisor _____

but are not limited to, business or close personal relationships with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

Approved
by Revisor _____

K. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. 7. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all

Approved by Revisor _____

information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

A. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided in Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39. All other private information must be disclosed only with the informed consent of the client.

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

D. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

E. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

F. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

G. A therapist must obtain written, informed consent from each client before electronically recording sessions with

Approved
by Revisor _____

that client or before permitting third-party observation of their sessions.

H. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. 8. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

5300.0360 [Emergency] FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

A. application for licensure fee during transition period, $300;

B. application for admission to written examination fee, $200;

C. written examination fee, $175;

D. application for licensure fee, $100;

E. initial license fee, not to exceed $100;

F. license by reciprocity fee, $300;

G. annual renewal of license fee, $100;

H. late renewal fee, $50;

I. reinstatement of license fee, $50;

J. penalty fee, $75;

K. sponsor's application for approval of a continuing education course fee, $100.

The initial license fee in item E will be prorated accordingly depending on the month in which the initial license is granted.

~~EFFECTIVE DATE.--The effective date of parts 5300.0100 to~~

Approved by Revisor _____

~~5300.0360 [Emergency] is December 15, 1988.~~

Approved
by Revisor _____

Board of Marriage and Family Therapy

Proposed Emergency Rules Relating to Marriage and Family Therapy

Rules as Proposed (all new material)

5300.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360 [Emergency], unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 3. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 4. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certified process must include:

A. eligibility requirements established through education or experience or both;

B. successful completion of a competency-based written examination;

C. successful demonstration of competent clinical skills; and

D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 5. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 6. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who

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is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 8. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 9. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160 [Emergency], and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 10. **Therapist.** "Therapist" means a licensee of the board.

Subp. 11. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360 [Emergency].

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family therapy without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

Subp. 3. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper, magazine, directory, or other printed matter. Advertising also

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by Revisor _____

includes business solicitations communicated by individual, radio, or television broadcasting.

5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of part 5300.0110 [Emergency] so long as they do not represent themselves by a title denoting marriage and family therapy.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i) and (ii);

B. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150 [Emergency];

C. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency];

D. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350 [Emergency]; and

E. pass both parts of the examination listed in part 5300.0240 [Emergency].

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an

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by Revisor _____

applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution which complies with the following curriculum:

A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;

B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. one course in professional studies covering professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family

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by Revisor _____

therapy of at least 300 hours of face-to-face contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 50 percent may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course with a minimum of 45 classroom contact hours. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F.

Subp. 3. **Transition period.** For purposes of the transition period in Minnesota Statutes, section 148B.34, an applicant may establish coursework equivalency as provided for in subpart 2 if the applicant has earned at least a master's degree in the following subject fields from a regionally accredited institution before July 1, 1989:

A. social work;

B. psychology;

C. medicine;

D. psychiatric nursing;

E. pastoral counseling;

F. divinity or theology;

G. human development;

H. applied child and family development;

I. family social science;

J. counseling;

K. anthropology;

L. sociology; or

M. criminal justice.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in subparts 2 and 3.

Approved
by Revisor _____

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience. The supervised experience must meet the requirements in subparts 2 to 6.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the number of hours of face-to-face contact with the supervisor, and the name and qualifications of each supervisor.

Subp. 5. **Counseling requirements.** The applicant must demonstrate counseling in the following categories of cases for at least 50 percent of the supervisory experience required:

A. unmarried couples;

B. married couples;

Approved
by Revisor _____

C. separating and divorcing couples; and

D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family counseling, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least two years experience in clinical practice as a marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency]; or

B. has been practicing marriage and family therapy for at least ten years; and:

(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350

Approved
by Revisor _____

[Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required, nonrefundable fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

Approved
by Revisor _____

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F.

Approved
by Revisor _____

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An

Approved
by Revisor _____

application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the applicant to provide verification.

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition

Approved
by Revisor _____

period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to written examination under part 5300.0190 [Emergency] must pay the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by

Approved
by Revisor _____

the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public;

D. the applicant's clinical practice skills;

E. the applicant's declared competencies; and

F. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

5300.0250 [Emergency] RECIPROCITY.

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a

Approved
by Revisor _____

current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or

Approved
by Revisor _____

employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if

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by Revisor _____

a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 and fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall send the letter to the licensee's last known address on record with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated

Approved
by Revisor _____

if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

Approved
by Revisor _____

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required.** A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education every year, corresponding with the licensee's license renewal date.

Subp. 3. **Documentation of courses.** When the licensee applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

(1) the course title;

(2) the number assigned to the course by the board;

(3) the course provider;

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(4) the number of hours of instruction attended by the licensee;

(5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

(1) human, biological, psychological, and social development;

(2) human sexuality;

(3) psychopathology;

(4) cross-cultural mores and values;

(5) professional issues, ethics, and family law;

(6) human communication;

(7) theories of marriage, family, and child therapy;

(8) research methodology;

(9) theories and application of psychological

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testing;

(10) methods of supervision;

(11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or

(12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

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(5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. **Grounds for denial of approval.** The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. **Grounds for revoking approval.** The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. **Committee evaluation.** The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 9. **A licensee's application for course approval.** A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee

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by Revisor _____

described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;

(3) a detailed description of the course content;

(4) the name of each instructor making a presentation, and the instructors' credentials; and

(5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. conventions;

B. workshops and seminars;

C. lectures;

D. college postgraduate courses; and

E. graduate study.

Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;

B. educational workshops and seminars or their

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equivalent are given credit on an hour-for-hour basis;

C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and

D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis.

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to

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by Revisor _____

renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or

B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or certified mail postmarked within three days from the effective date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited

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by Revisor _____

variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the application for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon reapplication for a variance if the circumstances justifying the variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

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by Revisor _____

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the public against unethical practices and must not hesitate to expose unethical practices.

Subp. 5. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's

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by Revisor _____

field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students or supervisees is prohibited.

D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

G. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without

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consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6, item C or J. 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 therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable adults.

O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the

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qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the therapists professional judgment or increase the risk of exploitation. Examples of dual relationships include, but are not limited to, business or close personal relationships with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other

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harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

K. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by

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state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the State Register and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. 7. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

A. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided in Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39. All other private information must be disclosed only with the informed consent of the client.

B. A therapist must be responsible for informing

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clients of the limits of confidentiality.

C. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

D. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

E. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

F. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

G. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party observation of their sessions.

H. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. 8. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

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by Revisor _____

5300.0360 [Emergency] FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

A. application for licensure fee during transition period, $300;

B. application for admission to written examination fee, $200;

C. written examination fee, $175;

D. application for licensure fee, $100;

E. initial license fee, not to exceed $100;

F. license by reciprocity fee, $300;

G. annual renewal of license fee, $100;

H. late renewal fee, $50;

I. reinstatement of license fee, $50;

J. penalty fee, $75;

K. sponsor's application for approval of a continuing education course fee, $100.

The initial license fee in item E will be prorated accordingly depending on the month in which the initial license is granted.

EFFECTIVE DATE. The effective date of parts 5300.0100 to 5300.0360 [Emergency] is December 15, 1988.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Rules Relating to Marriage and Family Therapy

AGENCY: Board of Marriage and Family Therapy

MINNESOTA RULES: Chapter 5300

The attached rules are approved for publication in the State Register

Kathleen M. Traxler
Assistant Revisor

In the Matter of the Proposed Adoption of the Emergency Rule of the State Board of Marriage and Family Therapy governing the Licensure of Marriage and Family Therapists

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT EMERGENCY RULES AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)SS.
COUNTY OF RAMSEY

Deborah L. Mancheski, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Board of Marriage and Family Therapy rulemaking list is accurate, complete, and current as of this 14th day of October, 1988.

That on the 14th day of October, 1988, at the City of St. Paul, county of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Emergency Rules by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Debbie L. Mancheski

Deborah L. Mancheski
Executive Director
Board of Marriage and
Family Therapy

Subscribed and sworn to before me this 14th day of Oct., 1988

BETTY L. MESSERVEY
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY

Betty L. Messervey

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

Date: October 14, 1988

To: Persons Interested In Rulemaking Pertaining To The Licensure of Marriage and Family Therapists In Minnesota

From: Deborah L. Mancheski, Esquire
Executive Director,
Board of Marriage and Family Therapy

Re: **Notice of Intent To Adopt Emergency Rules Governing Marriage and Family Therapist Licensure**

Greetings!

Enclosed, please find a copy of the Board of Marriage and Family Therapy's Notice of Intent to Adopt Emergency Rules and a copy of the board's proposed emergency rules, sent to you upon your request and for your comments. The enclosed notice and rules will be published in the State Register on October 17, 1988.

For your convenience, a copy of Minnesota Statutes, Chapter 148.B, is also enclosed. Minnesota Statutes, sections 148B.29 to 148B.39, establish the Board of Marriage and Family Therapy, set forth the requirements for licensure of marriage and family therapists in Minnesota, and gives the Board authority to adopt and enforce rules for marriage and family therapy licensing, among other things.

For 25 days after publication of the enclosed Notice and proposed rules, the Board shall give all interested persons an opportunity to submit data and views on the proposed emergency rules in writing. This 25 day public comment period will begin on October 17, 1988 and will end on November 10, 1988.

Your comments, and any other information concerning the Board's proposed emergency rules should be sent to:

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Ave., W., #225
St. Paul, MN 55114

If you wish to be notified when the proposed emergency rules are submitted to the State of Minnesota Attorney General for review, please inform me by writing to the above address or by calling me at 612/643-2586.

Your concern is greatly appreciated. I look forward to hearing from you.

Enclosures: Notice of Intent to Adopt Emergency Rules
Proposed Emergency Rules
Minnesota Statutes, Chapter 148B

*This notice is in accordance with the Minnesota Administrative Procedure Act, Minnesota Statutes, section 14.30 (1987)

DM/ah

BOARD OF MARRIAGE AND FAMILY THERAPY

PERSONS WHO HAVE REQUESTED OUR RULES TO COMMENT ON

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Fourth Floor
Minneapolis, MN. 55441
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331-3432
3406 University Ave. S.E.
Minneapolis, MN. 55414

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PRESIDENT
MINNESOTA PSYCHIATRIC SOCIETY
1770 Colvin Avenue
St. Paul, MN 55116

MR. MIKE WILKE
INDIAN HEALTH BOARD CLINIC
1315 East 24th Street
Minneapolis, MN. 55404

MR. DOMINIC SPOSETO
LEGISLATIVE REPRESENTATIVE
MINNESOTA PSYCHIATRIC SOCIETY
2824 Irving Avenue South
Mpls, MN. 55408

MR. JOHN BRICKNER
7750 Whitney Drive. #308
Apple Valley, MN. 55124

MR. CHESTER MC COY, PRESIDENT
MN. CHAPTER OF BLACK SOCIAL WORKERS
P.O. Box 781
Minneapolis, MN. 55458

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PILOT CITY MENTAL HEALTH CENTER
1349 Penn Ave. N.
Minneapolis, MN. 55411

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UMAAMFT
1409 Willow
Suite 400
Minneapolis, MN. 55403

MS. JENNETTE JONES
FAMILY COURT SERVICES
A503 Government Center
Minneapolis, MN 55487

MS. MARY BETH CURRY
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2221 University Ave. S.E. Suite 425
Minneapolis, MN. 55414

LUTHERAN SOCIAL SERVICES
c/o DAN BERGLUND
600 Ordean Building
Duluth, MN. 55802

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Washington, D.C. 20006

HUMAN DEVELOPMENT CENTER
DIRECTOR
1401 East First Street
Duluth, Minnesota 55802

ST. LOUIS COUNTY ADVISORY COUNCI
c/o Doug Britton
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320 West 2nd Street
Duluth, Minnesota 55802

MR. CARL WESTPHALL
LUMBRO VALLEY MENTAL HEALTH CENTER
2116 Campus Drive S.E.
Rochester, MN. 55904

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DR. JANA PREBLE
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ST. CLOUD STATE UNIVERSITY
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MINNESOTA COUNCIL ON
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Minnesota Representative, William Friederich
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MS. BETH BARTON
ST. CROIX CAMP AFTERCARE PROGRAM
919 LaFond Avenue
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Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

To: Chairs, House Appropriations Committee,
Senate Finance Committee

From: Deborah L. Mancheski, Executive Director
Board of Marriage and Family Therapy

Date: October 10, 1988

Re: **Emergency Rules Governing Marriage and Family Therapist Licensure**

Greetings!

Enclosed, please find a copy of the Board of Marriage and Family Therapy's proposed emergency rules governing the licensure of marriage and family therapists and establishing fees for such licensure.

I am sending you these rules pursuant to Minnesota Statutes, Section 16A.128, Subdivision 2a.

For your convenience, a copy of Minnesota Statutes, Chapter 148.B, is also enclosed. Minnesota Statutes, Sections 148B.29 to 148B.39, establish the Board of Marriage and Family Therapy, set forth the requirements for licensure of marriage and family therapists in Minnesota, and gives the Board authority to adopt and enforce rules for marriage and family therapy licensing, among other things.

Your comments, and any other information concerning the Board's proposed emergency rules should be sent to:

Deborah L. Mancheski
Executive Director
Marriage and Family Therapy
2700 University Ave., W. #225
St. Paul, Mn 55114.

If you wish to be notified when the proposed emergency rules are submitted to the State of Minnesota Attorney General for

review, please inform me by writing to the above address or by calling me at (612) 643-2586.

Your attention to this matter is greatly appreciated. I look forward to hearing from you.

Enclosures: Notice of Intent to Adopt Emergency Rules
Proposed Emergency Rules
Minnesota Statutes, Chapter 148B

HOUSE APPROPRIATIONS COMMITTEE CHAIR AND
SENATE FINANCE COMMITTEE CHAIR

The Honorable Gene Merriam
Chair, Senate Finance Committee
Minnesota State Senate
Room 122
Capitol Building
Aurora Avenue
St. Paul, MN 55155

The Honorable Glen Anderson
Chair, House Appropriations Committee
Minnesota House of Representatives
Room 365
State Office Building
100 Constitution Avenue
St. Paul, MN 55155

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

Date: October 14, 1988

To: Persons Interested In Rulemaking Pertaining To The Licensure of Marriage and Family Therapists In Minnesota

From: Deborah L. Mancheski, Esquire
Executive Director,
Board of Marriage and Family Therapy

Re: **Notice of Intent To Adopt Emergency Rules Governing Marriage and Family Therapist Licensure**

Greetings!

Enclosed, please find a copy of the Board of Marriage and Family Therapy's Notice of Intent to Adopt Emergency Rules and a copy of the board's proposed emergency rules, sent to you for your information and comments. The enclosed notice and rules will be published in the State Register on October 17, 1988.

For your convenience, a copy of Minnesota Statutes, Chapter 148.B, is also enclosed. Minnesota Statutes, sections 148B.29 to 148B.39, establish the Board of Marriage and Family Therapy, set forth the requirements for licensure of marriage and family therapists in Minnesota, and gives the Board authority to adopt and enforce rules for marriage and family therapy licensing, among other things.

For 25 days after publication of the enclosed Notice and proposed rules, the Board shall give all interested persons an opportunity to submit data and views on the proposed emergency rules in writing. This 25 day public comment period will begin on October 17, 1988 and will end on November 10, 1988.

Your comments, and any other information concerning the Board's proposed emergency rules should be sent to:

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Ave., W., #225
St. Paul, MN 55114

If you wish to be notified when the proposed emergency rules are submitted to the State of Minnesota Attorney General for review, please inform me by writing to the above address or by calling me at 612/643-2586.

Your attention is greatly appreciated.

Enclosures: Notice of Intent to Adopt Emergency Rules
Proposed Emergency Rules
Minnesota Statutes, Chapter 148B

DM/ah

HOUSE OF REPRESENTATIVES

The Honorable Robert Vanasek
Speaker of the House of Representatives
Minnesota House of Representatives
463 State Office Building
100 Constitution Avenue
St. Paul, MN 55155

The Honorable Ann Wynia
House Majority Leader
Minnesota House of Representatives
309 State Office Building
100 Constitution Avenue
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The Honorable Bill Schreiber
House Minority Leader
Minnesota House of Representatives
267 State Office Building
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The Honorable Lee Greenfield
Chair, Health and Human Services Division
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The Honorable Peter Radosovich
Vice Chair, Health and Human Services Division
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St. Paul, MN 55155

The Honorable Becky Kelso
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423 State Office Building
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House Health and Humans Services Division
Minnesota House of Representatives
304 D, State Office Building
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The Honorable Phil Riveness
Vice Chair, Rules and Legislative Administration Committee
Minnesota House of Representatives
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MINNESOTA SENATE

The Honorable Roger D. Moe
Senate Majority Leader
Minnesota Senate
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St. Paul, MN 55155

The Honorable Duane D. Benson
Senate Minority Leader
Minnesota Senate
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The Honorable Linda Berglin
Chair, Health and Human Services Committee
Minnesota Senate
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The Honorable Jim M. Vickerman
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Rochelle M. Polansky
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Health and Human Services Committee
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The Honorable Roger D. Moe
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Minnesota Senate
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The Honorable William P. Luther
Vice Chair, Rules and Administration Committee
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Mr. Patrick E. Flahaven
Secretary of the Senate
Minnesota Senate
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DEPARTMENT OF HUMAN SERVICES

Ms. Sandra S. Gardebring
Commissioner
Minnesota Department of Human Services
444 Lafayette Rd.
St. Paul, MN 55155

Mr. John Petraborg
Assistant Commissioner
Family Support Programs
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Ms. Allyson Ashley
Assistant Commissioner
Mental Health Programs
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Mr. Robert York
Assistant Commissioner
Social Services Programs
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Ms. Sheila Moriarty
Minnesota Council on Children, Youth, and Families
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Ms. Carol Watkins
Acting Director
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Mr. Gary W. Haselhuhn, Director
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Mr. William Fink, Director
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Ms. Sarah Shippy
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Ms. Cynthia Turnure, Ph.D.
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State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



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site review may be conducted when one or more of the following conditions are determined by the department:

A. if the test results of standard samples are not returned to the department within the prescribed time;

B. if test equipment fails to meet the established tolerance on the second set of standard test samples;

C. if the department determines that inaccurate test results may be caused by the chief test equipment operators' procedures;

D. if the department determines that the environmental conditions in the area where the test equipment is operated may be inadequate; and

E. if the department receives a signed statement from a purchaser or seller of grain requesting a review of the test equipment or test equipment operator.

1511.0160 [Emergency] TAGGING OF TEST EQUIPMENT.

Subpart 1. **Attachment and removal of tags.** Test equipment found to exceed the established tolerances during an on-site review must have a reject tag attached to the test equipment by the department and the equipment must not be further used to determine the quality of grain received for purchase or storage until the test equipment has been serviced and the reject tag is removed:

A. by an employee of the department, upon completion of testing that shows the equipment to be within the established tolerance; or

B. by an authorized service representative who certifies to the department that the equipment has been serviced and tested for compliance within the established tolerance.

Subp. 2. **Return of tags.** A reject tag must be returned to the department immediately upon placing the equipment back into service. The information requested on the reverse side of the reject tag must be completed and contain the signature of the authorized service representative or the department employee.

Subp. 3. **Condemned tag.** A condemned tag must be attached to test equipment used to determine grain quality when it is determined that the test equipment is no longer serviceable.

1511.0170 [Emergency] POSTING NOTICE.

A person in Minnesota who receives grain for purchase or for storage must post a notice, furnished by the department, informing persons delivering grain for sale or storage of their right to have a representative sample of the grain in dispute forwarded to the department for analysis. The notice must be posted in a conspicuous place in conjunction with the license to buy or buy and store grain.

Board of Marriage and Family Therapy

Proposed Emergency Rules Relating to Marriage and Family Therapy

Notice of Intent to Adopt Emergency Rules

NOTICE IS HEREBY GIVEN that the State Board of Marriage and Family Therapy intends to adopt the above entitled emergency rules. The statutory authority to adopt the emergency rules is contained in *Minnesota Statutes,* sections 148B.171 and 148B.31. The Board, in adopting the rules, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes,* sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to:

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114
(612) 643-2586

A copy of the proposed emergency rules is attached to this notice.

A free copy of the proposed emergency rules is available by contacting Deborah Mancheski at the above mentioned address or phone number.

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the board and do not result in a substantial change in the proposed emergency rules as noticed.

Upon adoption of the emergency rules by the Board, the emergency rules as adopted and their supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Deborah Mancheski at the above mentioned address.

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the Board gives notice of continuation in accordance with *Minnesota Statutes,* section 14.35.

10 October 1988

Deborah L. Mancheski
Executive Director

Rules as Proposed (all new material)

5300.0100 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5300.0100 to 5300.0360 [Emergency], unless the context otherwise requires, the following terms have the meanings given.

Subp. 2. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 3. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 4. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certified process must include:

A. eligibility requirements established through education or experience or both;

B. successful completion of a competency-based written examination;

C. successful demonstration of competent clinical skills; and

D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 5. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 6. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 7. **Supervisee.** "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 8. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 9. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160 [Emergency], and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 10. **Therapist.** "Therapist" means a licensee of the board.

Subp. 11. **Variance.** "Variance" means permission from the board to comply with a rule in a manner other than that generally specified in parts 5300.0100 to 5300.0360 [Emergency].

5300.0110 [Emergency] LICENSE REQUIREMENT.

Subpart 1. **License required.** No person shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family therapy without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360 [Emergency].

Subp. 2. **Engaging in marriage and family therapy practice, defined.** An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

Subp. 3. **Advertising.** Advertising includes, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on a building; or in a newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, or television broadcasting.

5300.0120 [Emergency] EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, subdivision 1, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from the provisions of part 5300.0110 [Emergency] so long as they do not represent themselves by a title denoting marriage and family therapy.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE.

Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the following requirements:

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i) and (ii);

B. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150 [Emergency];

C. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency];

D. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350 [Emergency]; and

E. pass both parts of the examination listed in part 5300.0240 [Emergency].

Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all requirements in this part shall be denied a license.

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause (5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by accrediting bodies, and other necessary information as determined by the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution which complies with the following curriculum:

A. three courses in human development covering human development, human behavior, personality theory, human sexuality, psychopathology, and behavior-pathology;

B. three courses in marital and family studies covering theories of family development, theories of family functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, and theories of marital and family interaction;

C. three courses in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;

D. one course in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

E. one course in professional studies covering professional socialization, professional organizations, legal issues, interprofessional cooperation, professional ethics, and family law; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of face-to-face contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 50 percent may be with individuals.

Each course listed in items A to F must be equivalent to a three-credit semester or four-credit quarter course with a minimum of 45 classroom contact hours. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in items A to F.

Subp. 3. **Transition period.** For purposes of the transition period in Minnesota Statutes, section 148B.34, an applicant may establish coursework equivalency as provided for in subpart 2 if the applicant has earned at least a master's degree in the following subject fields from a regionally accredited institution before July 1, 1989:

A. social work;

B. psychology;

C. medicine;

D. psychiatric nursing;

E. pastoral counseling;

F. divinity or theology;

G. human development;

H. applied child and family development;

I. family social science;

J. counseling;

K. anthropology;

L. sociology; or

M. criminal justice.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to requirements in subparts 2 and 3.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience. The supervised experience must meet the requirements in subparts 2 to 6.

Subp. 2. **Supervised experience; setting.** The supervisory experience shall take place in individual or group settings.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 3. **Supervision requirements.** Supervision must involve:

A. at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more than 50 percent may be in group settings; and

B. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio recordings.

Subp. 4. **Verifying experience.** A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be notarized. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of the supervised experience, the number of hours of face-to-face contact with the supervisor, and the name and qualifications of each supervisor.

Subp. 5. **Counseling requirements.** The applicant must demonstrate counseling in the following categories of cases for at least 50 percent of the supervisory experience required:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 6. **Years of experience; computation.** One year of experience means a full calendar year, or any portions of a calendar year which add up to a full year.

In calculating two years of supervised postgraduate experience in marriage and family counseling, the board shall accept a minimum of 1,000 hours of experience for a minimum of two years.

5300.0160 [Emergency] REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements for supervisor.** A supervisor is acceptable to the board if the supervisor:

A. is licensed as a marriage and family therapist in Minnesota;

B. has at least two years experience in clinical practice as a marriage and family therapist; and

C. provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor.

Subp. 2. **Requirements during transition period.** During the transition period in Minnesota Statutes, section 148B.34, a supervisor is acceptable to the board if the supervisor:

A. meets the educational and experience requirements for licensure in parts 5300.0140 [Emergency] and 5300.0150 [Emergency]; or

B. has been practicing marriage and family therapy for at least ten years; and:

(1) provides evidence of training in supervision. Evidence must be shown through academic course work, continuing education, or designation by a national professional organization as a marriage and family therapy supervisor; and

(2) provides evidence of practicing marriage and family therapy according to the code of ethics in part 5300.0350 [Emergency] through endorsements from at least two individuals with the qualifications in part 5300.0230 [Emergency].

5300.0170 [Emergency] RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of a supervisee's familiarity with the important literature in the field of marriage and family therapy and professional ethics.

B. The supervisor must see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls.

5300.0180 [Emergency] LICENSURE PROCESS.

The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

5300.0190 [Emergency] PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to written examination, an applicant must submit to the board the information in items A to C.

A. The applicant must submit a completed, notarized application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant;

B. The applicant must submit the required, nonrefundable fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all postsecondary education of the applicant, including verification of the degree granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degree program documented by the applicant's transcripts meets the requirements of part 5300.0130 [Emergency], subpart 1, item A.

(2) The institution granting the degree must be accredited at the time the degree is granted.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.

Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.

Subp. 4. **Admission to written examination.** An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs 40 days or more after the applicant has met the requirements of subpart 1, unless admission is denied under subpart 5.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of part 5300.0130 [Emergency], subpart 1, item A. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application for admission to written examination submitted after denial is a new application for admission to written examination which must be accompanied by the fee for application for admission to written examination specified in part 5300.0360 [Emergency], item B.

5300.0200 [Emergency] PROCEDURES FOR ADMISSION TO LICENSURE.

Subpart 1. **Information required.** To be eligible for admission to licensure, an applicant must submit to the board the information in items A to F.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240 [Emergency], subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant.

C. The applicant must submit the required, nonrefundable application for licensure fee specified in part 5300.0360 [Emergency], item D, made payable to the Board of Marriage and Family Therapy.

D. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience. The form must be signed by the applicant's supervisor and notarized.

E. The applicant must submit two letters of endorsement, attesting to the applicant's good moral character. The letters must be written by individuals who meet the requirements for endorsers under part 5300.0230 [Emergency], subparts 1 and 2. The letters must be on forms provided by the board. The letters must be sent directly to the board by the qualifying endorsers.

F. The applicant must submit an agreement, on a form provided by the board and signed by the applicant, to conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350 [Emergency].

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.

Subp. 3. **Denial of admission to licensure.** An applicant who fails to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in part 5300.0360 [Emergency], item D.

5300.0210 [Emergency] CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in part 5300.0150 [Emergency] have been met.

5300.0220 [Emergency] LICENSURE PROCESS DURING TRANSITION PERIOD.

Subpart 1. **Requirements for licensure during transition period.** During the transition period in Minnesota Statutes, section 148B.34, an applicant is eligible for licensure as a marriage and family therapist if the applicant meets the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. To apply for licensure during the transitional period, an applicant must submit to the board the information required in parts 5300.0190 [Emergency], subpart 1, item C, and 5300.0200 [Emergency], subpart 1, items B to F, on an application form for licensure during transition period provided by the board. The applicant must also pay the fee for application for licensure during transition period specified in part 5300.0360, item A.

Subp. 2. **Verification of information; board's powers.** The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure during transitional period and to require the applicant to provide verification.

Subp. 3. **Denial of application.** An application for licensure during the transition period shall be denied by the board if the applicant fails to meet all the requirements in part 5300.0130 [Emergency], subpart 1, items A to D. The board shall notify the applicant of the denial in writing and state the reasons for the denial. An application submitted after denial is a new application for licensure during transition period which must be accompanied by the fee for application for licensure during transition period specified in part 5300.0360 [Emergency], item A.

5300.0230 [Emergency] REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130 [Emergency], subpart 1, item C, and 5300.0160 [Emergency], subpart 2, item B, subitem (2), the endorser must:

A. be licensed by the board;

B. be licensed to practice marriage and family therapy by another state whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota; or

C. have education and experience that meet the licensure standards of Minnesota Statutes, section 148B.33.

Subp. 2. **Limitations.** An endorser must not be an employee or family member of the applicant.

5300.0240 [Emergency] EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **Written and oral examination required.** Examination of an applicant for a license as a marriage and family therapist shall be composed of:

A. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and

B. an oral part conducted by members of the board.

Subp. 2. **Examination fee.** An applicant who is admitted to written examination under part 5300.0190 [Emergency] must pay the written examination fee in part 5300.0360 [Emergency], item C, before taking the examination.

Subp. 3. **Written part of examination.** The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** Oral examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. Oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board. Oral examination of an applicant shall cover:

A. the applicant's knowledge of the laws governing marriage and family therapists;

B. the applicant's knowledge of the code of ethics;

C. the applicant's awareness of the responsibilities to the board and to the public;

D. the applicant's clinical practice skills;

E. the applicant's declared competencies; and

F. other related areas determined by the board.

Subp. 5. **Notification procedures.** The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.

Subp. 6. **Passing score required on examination.** An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.

Subp. 7. **Reexamination permitted.** An applicant who has failed a part of the examination may be reexamined on the part the applicant failed. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360 [Emergency], item C.

5300.0250 [Emergency] RECIPROCITY.

Subpart 1. **Other states recognized.** The board shall issue a marriage and family therapist license to an individual who holds a current license as a marriage and family therapist from another state if the board determines that the standards for licensure in the other state are at least equivalent to or exceed the requirements for licensure in Minnesota.

Subp. 2. **Application required.** An individual who holds a current license as a marriage and family therapist from another state must file a completed application for licensure by reciprocity and must pay the fee for license by reciprocity specified in part 5300.0360 [Emergency], item F. The application must be on a form provided by the board and must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant.

Subp. 3. **Verification from other state required.** The applicant must direct the board of examiners of the state in which the license is held to send directly to the board a statement that the license is in effect and in good standing, and a copy of the state's relevant licensing law and board rules.

Subp. 4. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in the other state are at least equivalent to or exceed the licensing requirements in Minnesota.

5300.0260 [Emergency] TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective when the board notifies the applicant in writing that the applicant has been approved for licensure and assigned a license number and the applicant has paid the initial license fee in part 5300.0360 [Emergency], item E.

Subp. 2. **Term of license.** An initial license granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on December 31 of the year in which the license was initially granted. For example, an initial license granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent license is valid for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280 [Emergency].

5300.0270 [Emergency] DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of renewal in a conspicuous place in the therapist's office, or place of business or employment.

5300.0280 [Emergency] RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses issued by the board must be renewed every year upon the payment of the renewal fee required in part 5300.0360 [Emergency], item G, completion of a notarized renewal application, and the fulfillment of continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of renewal.** At least 30 days before December 31, the board shall send the licensee a renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board.

A licensee must notify the board in writing of any change of name or address.

Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.

Subp. 3. **Renewal application required.** The licensee must submit to the board the renewal application postmarked on or before December 31.

If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

Subp. 4. **Fee.** The renewal fee required in part 5300.0360 [Emergency], item G, must accompany the renewal application.

Subp. 5. **Affirmation.** The renewal application must include a notarized statement by the licensee that the information in the application is true and correct to the best knowledge and belief of the licensee.

Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified in part 5300.0360 [Emergency], items G and H, if the licensee's application for renewal is postmarked after December 31, except if the postmark is illegible.

5300.0290 [Emergency] FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280 [Emergency], subparts 3, 4, 5, and 6 and fails to fulfill continuing education requirements in part 5300.0310 [Emergency].

Subp. 2. **Notice of overdue renewal.** Within 30 days after December 31, the board shall mail a written notice to a licensee who has not renewed the license according to part 5300.0280 [Emergency]. The notice must state that the renewal is overdue, that the license will expire, and that the licensee's right to practice will terminate if the licensee fails to respond to the notice by the date specified, which must be at least 33 days after the notice is mailed by the board. The licensee must respond to the notice by submitting to the board the required renewal application, the renewal and late renewal fees required in part 5300.0360 [Emergency], items G and H, and evidence of meeting the continuing education requirements in part 5300.0310 [Emergency].

Subp. 3. **Expiration of license.** If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal and late renewal fees specified in part 5300.0360 [Emergency], items G and H, by the date specified in the notice, the license expires and the licensee's right to practice terminates on the date specified in the notice in subpart 2.

A. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall send the letter to the licensee's last known address on record with the board within seven days of the expiration of the license and termination of the licensee's right to practice.

B. A license that expired under this part may be reinstated under part 5300.0300 [Emergency].

5300.0300 [Emergency] REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 [Emergency] may be reinstated if:

A. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;

B. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since expiration of the license. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;

C. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;

D. the former licensee pays the reinstatement fee specified in part 5300.0360 [Emergency], item I;

E. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and

F. the former licensee complies with the applicable provisions of subparts 2 and 3.

Subp. 2. **Expiration of less than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] less than five years previous to the application for reinstatement must:

A. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.

Subp. 3. **Expiration of more than five years.** A former licensee whose license expired under part 5300.0290 [Emergency] more than five years previous to the application for reinstatement must:

A. submit evidence of passing the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240 [Emergency], subpart 3; and

B. pay renewal fees and penalty fees specified in part 5300.0360 [Emergency], items G and J, for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapy since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number to which the licensee was assigned before expiration of the license.

5300.0310 [Emergency] CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Continuing education required**. A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

Subp. 2. **Number of hours required.** Continuing education is not required during the licensee's initial licensure period. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education every year, corresponding with the licensee's license renewal date.

Subp. 3. **Documentation of courses.** When the licensee applies for renewal of the license, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board.

A. The form must include:

(1) the course title;

(2) the number assigned to the course by the board;

(3) the course provider;

(4) the number of hours of instruction attended by the licensee;

(5) the date and location of the course; and

(6) a copy of the certificate issued to course participants by the course sponsor, or a statement by the licensee explaining why a certificate is not attached.

B. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education.

Subp. 4. **Courses; board approval required.** A course must be approved by the board for continuing education requirements according to the procedures in this subpart and subparts 5 to 11.

The board shall consider the following factors in determining whether a course should be approved:

A. The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists.

B. Whether the course is structured on sound educational principles.

C. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

D. Whether the purpose of the course is related to at least one of the following subjects related to marriage and family therapy:

(1) human, biological, psychological, and social development;

(2) human sexuality;

(3) psychopathology;

(4) cross-cultural mores and values;

(5) professional issues, ethics, and family law;

(6) human communication;

(7) theories of marriage, family, and child therapy;

(8) research methodology;

(9) theories and application of psychological testing;

(10) methods of supervision;

(11) assessment, diagnosis, prognosis, and treatment of dysfunctions in premarital and family relationships; or

(12) psychotherapeutic techniques.

E. Whether the course's instructors are qualified by practical or academic experience to teach, lecture, or make presentations at the course.

Subp. 5. **Sponsor's application for course approval.** Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.

A. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the application fee for approval of a continuing education course specified in part 5300.0360 [Emergency], item K.

B. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor which shows the instructor's current knowledge and skill in the course's subject; and

(5) a description of the certificate distributed to each participant upon successful completion of the course.

C. If the board approves a course, it shall assign a number to the course. The approval remains in effect for two years from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in items A and B and the application fee for approval of a continuing education course required in part 5300.0360 [Emergency], item K, before the expiration of the two-year period.

(1) Each sponsor of an approved course shall submit to the board evidence of participants in attendance within two weeks after the course ends.

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

Subp. 6. **Grounds for denial of approval.** The board shall deny approval of a course if it does not meet the standards in subpart 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.

Subp. 7. **Grounds for revoking approval.** The board shall revoke its approval of a course if a course sponsor fails to comply with subpart 4 and subpart 5, item C, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

Subp. 8. **Committee evaluation.** The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 9. **A licensee's application for course approval.** A licensee may apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subparts 4 and 5. The licensee must submit information required in item A, as well as other information the board reasonably requires to evaluate the course for approval. The board shall use the committee described in subpart 8 to evaluate a licensee's application for course approval.

A. The following information must be submitted to the board, in addition to the form required in subpart 3, by the licensee:

(1) the name and address of the organization sponsoring the course;

(2) the name and address of the individual in the sponsoring organization whom the board may contact regarding the course for which credit is requested;

(3) a detailed description of the course content;

(4) the name of each instructor making a presentation, and the instructors' credentials; and

(5) the location, including the name and address of the facility, at which the course will be conducted.

B. The board shall grant approval for a course that meets the standards in subpart 4.

C. The board shall state in writing its reasons for denying an application for approval of a course under this subpart.

Subp. 10. **Sources of credit.** Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. conventions;

B. workshops and seminars;

C. lectures;

D. college postgraduate courses; and

E. graduate study.

Subp. 11. **Hours of credit.** The board shall allow the number of credit hours of continuing education for each approved course according to the following criteria:

A. multi-day, convention-type meetings, such as local, state, or national marriage and family therapist conventions or their equivalent, are credited the hours given by the sponsor;

B. educational workshops and seminars or their equivalent are given credit on an hour-for-hour basis;

C. courses and study with an accompanying examination are awarded hourly credit if the examination is successfully completed; and

D. lectures are credited on an hour-for-hour basis.

Subp. 12. **Other sources of continuing education credit.** The board shall approve other forms of continuing education, such as publication of articles or books, if the required standards of subpart 4 are met. The amount of credit hours given shall be granted on a case by case consideration basis.

Subp. 13. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis; or

B. is permanently disabled and unable to practice marriage and family therapy.

Subp. 14. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 13 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

5300.0320 [Emergency] VOLUNTARY TERMINATION OF LICENSE.

A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. The board must receive the notification before expiration of the license for failure to renew under part 5300.0290 [Emergency], subpart 3. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300 [Emergency].

5300.0330 [Emergency] REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Other states' actions.** A revocation, suspension, or other disciplinary action imposed on a licensee by another state on a license to practice marriage and family therapy or any other related license, is grounds for disciplinary action by the board against the licensee in this state according to Minnesota Statutes, section 148B.37, subdivision 1, clause (1). A certified copy of the decision or judgment of the other state is conclusive evidence of that action.

Subp. 3. **Probation.** The board shall place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending or revoking the license of any licensee; or

B. as a condition of restoring any license suspended or revoked by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license to the board office by registered or certified mail postmarked within three days from the effective date of the suspension or revocation. Failure to return the license is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

5300.0340 [Emergency] VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a time-limited variance from rules in parts 5300.0100 to 5300.0360 [Emergency], except for a rule which incorporates a statutory requirement. A variance shall be granted if the licensee or applicant specifies alternative practices or measures equivalent to or superior to the rule in question and provides evidence that:

A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;

B. adherence to the rule would impose an undue burden on the licensee or applicant; and

C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

A. the specific rule for which the variance is requested;

B. the reason for the request;

C. the alternative practices or measures that will be taken if a variance is granted; and

D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** Any licensee or applicant who is granted a variance must comply with the alternative practices or measures specified in the application for the variance.

Subp. 4. **Renewal; notice of change; revocation.** A variance shall be renewed upon reapplication for a variance if the circumstances justifying the variance continue to exist. A licensee or applicant who has been granted a variance must immediately notify the board of any material change in the circumstances that justified the variance. A variance is revoked if there is a material change in the circumstances which justify the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subpart 1 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee or applicant in writing when the board grants, denies, renews, or revokes a variance. The notice must specify the reasons for the action. If a variance is granted, the notification must state the period of time for which the variance is effective, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 [Emergency] CODE OF ETHICS.

Subpart 1. **Scope.** The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.

Subp. 2. **Purpose.** The code of ethics constitutes the standards against which the professional conduct of a marriage and family therapist is measured.

Subp. 3. **Violations.** A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure.

Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance from other professional disciplines when circumstances dictate. They must be committed to protect the public against unethical practices and must not hesitate to expose unethical practices.

Subp. 5. **Integrity.** A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

B. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy between the therapist and students or supervisees is prohibited.

D. A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not deny professional services to anyone on the basis of race, religion, sex, political affiliation, social or economic status, or choice of lifestyle.

F. A therapist must not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

G. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

H. A therapist must not offer, nor accept, payment for referrals.

I. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved.

J. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.

K. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.

L. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.

M. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.

N. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates subpart 6, item C or J. 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 therapist; however, this does not relieve a therapist from the duty to file a report required by Minnesota Statutes, section 626.556 or 626.557, concerning abuse of children and vulnerable adults.

O. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.

P. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.

Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

R. A therapist must make certain that the qualifications of persons in a therapist's employ are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 6. **Relations to clients.** A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately.

A. A therapist must be careful to truthfully represent to clients facts regarding services rendered.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the therapists professional judgment or increase the risk of exploitation. Examples of dual relationships include, but are not limited to, business or close personal relationships with clients.

C. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

D. A therapist must not engage in sexual intercourse or other physical intimacies with a client. Sexual intimacy with former clients for two years following termination of services is prohibited.

E. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client.

F. A therapist must not use any confidence of a client to the client's disadvantage.

G. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

H. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

I. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

J. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

K. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children and vulnerable adults.

L. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of Minnesota have the right:

(1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

(2) to examine public records maintained by the Board of Marriage and Family Therapy which contain the credentials of a therapist;

(3) to obtain a copy of the code of ethics from the *State Register* and Public Documents Division, Department of Administration, 117 University Avenue, Saint Paul, MN 55155;

(4) to report complaints to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, MN 55114;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as defined by rule and law;

(7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;

(8) to have access to their records as provided in Minnesota Statutes, section 144.335, subdivision 2; and

(9) to be free from exploitation for the benefit or advantage of a therapist.

M. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

Subp. 7. **Confidentiality and keeping of records.** A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as permitted by law and rule.

A. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided in Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39. All other private information must be disclosed only with the informed consent of the client.

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

D. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

E. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

F. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.

G. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party observation of their sessions.

H. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.

Subp. 8. **Research.** A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research is voluntary.

5300.0360 [Emergency] FEES.

All fees indicated in items A to K shall be paid by cash or in the form of check, bank draft, or money order, made payable to the Board of Marriage and Family Therapy, Colonial Park Office Building, 2700 University Avenue West, Suite 225, Saint Paul, Minnesota 55114. All fees are nonrefundable.

A. application for licensure fee during transition period, $300;

B. application for admission to written examination fee, $200;

C. written examination fee, $175;

D. application for licensure fee, $100;

E. initial license fee, not to exceed $100;

F. license by reciprocity fee, $300;

G. annual renewal of license fee, $100;

H. late renewal fee, $50;

I. reinstatement of license fee, $50;

J. penalty fee, $75;

K. sponsor's application for approval of a continuing education course fee, $100.

The initial license fee in item E will be prorated accordingly depending on the month in which the initial license is granted.

EFFECTIVE DATE. The effective date of parts 5300.0100 to 5300.0360 [Emergency] is December 15, 1988.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes,* section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- **Gas Supplier**
- **Professional Social Worker**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on November 17, 1988 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statute* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400,

CERTIFICATE OF THE

BOARD OF MARRIAGE AND FAMILY THERAPY

RESOLUTION ADOPTING EMERGENCY RULES

I, C. L. Moore, Ph.D., do hereby certify that I am a member and the chairperson of the State Board of Marriage and Family Therapy, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the State Board of Marriage and Family Therapy, duly and properly called and held on the 18th day of November, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rules relating to the licensure of marriage and family therapists are approved and adopted, pursuant to authority vested in the State Board of Marriage and Family Therapy by Minnesota Statutes, sections 148B.171 and 148B.31. Deborah L. Mancheski, executive director of the State Board of Marriage and Family Therapy, is authorized to sign findings of fact, conclusions, and order adopting the rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the attorney general and to perform the necessary acts to provide that the rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of November, 1988.

C. L. Moore, Ph.D.
Chairperson

Member, State Board of
Marriage and Family Therapy

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Emergency Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULES

Notice of the State Board of Marriage and Family Therapy's intent to adopt the above-entitled emergency rules was published in the State Register on October 17, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on October 14, 1988.

All persons were given the opportunity to submit written comments on the rules for a least 25 days after notice of proposed rulemaking.

The above-entitled matter came before the State Board of Marriage and Family Therapy (Board) on the 18th day of November, 1988. After considering all written comments submitted to the Board, in accordance with statutory requirements regarding the adoption of emergency rules, the Board, being fully advised on the premises, hereby adopts the following findings of fact and conclusions.

FINDINGS OF FACT

1. The Board published its notice of intent to adopt the above-entitled rules, together with the proposed rules, in the State Register on October 17, 1988.

2. The notice of the Board's intent to adopt the rules afforded interested persons 25 days during which to submit data and views on the proposed rules. The comment period, as set out in the notice, expired on November 10, 1988.

3. During the comment period, the Board received written comments from nine interested persons or departments or agencies. They are as follows:

Dominic Sposeto; Dominic Sposeto & Associates
Sister Mary Madonna Ashton; Minnes Department of Health
Sherman Nelson, Ph.D.; Minneapolis Clinic of Neurology, Ltd.
William Doherty, Ph.D.; Director, University of Minnesota Marriage and Family Therapy Program

Mary Beth Curry; Minnesota Hospital Association
James Maddock, Ph.D.; Associate Professor, University of Minnesota Family Social Science Program
Dennis Anderson; President, Minnesota Psychological Association
William Percy; Upper Midwest Division of the Association of Marriage and Family Therapy
Lois Mizuno; Executive Director, State Board of Psychology

In addition, the Board staff prepared written comments on the rules relating to modifications to be made. These comments are part of the record.

4. The Board finds that certain comments received have merit, and the Board has modified the rules accordingly. The Board finds that the comments received support 16 modifications in the rules as proposed. None of these modifications are substantive.

CLARIFICATION OF LANGUAGE AMBIGUITY

5. Page 2, Lines 20 and 21. [Part 5300.0110 LICENSE REQUIREMENT, Subpart 1. **License Required**]* The proposed language could be misconstrued to include those individuals specifically exempt in Minnesota Statutes, section 148B.38.

6. For clarity, it is reasonable to modify Page 2, Lines 20 and 21, in order to be parallel in construction to Minnesota Statutes, section 148B.38.

7. The proposed modifications to Page 2, Lines 20 and 21, is as follows:

5300.0110 [Emergency] LICENSE REQUIREMENT
Subpart 1. **License required.** No person, <u>other than those individuals exempt in Minnesota Statutes, section 148B.38,</u> shall....

8. This modification is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR

9. Page 2, Line 24. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued to prohibit the advertising of marriage and family therapy services.

10. To correct a drafting error, it is reasonable to modify Page 2, Line 24.

11. The proposed modification to Page 2, Line 24, is as follows:

...denoting marriage and family ~~therapy~~ therapist without obtaining....

12. This modification is consistent with Minnesota Statutes, section 148B.32, subdivision 2, and is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

CLARIFICATION OF LANGUAGE AMBIGUITY

13. page 3, line 9. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued as requiring those qualified individuals of other licensed or certified professions or occupations who are exempt from the license requirement, to abide by the rest of the rules which follow (ie. Code of Ethics).

14. For clarity, it is reasonable to modify Page 3, Line 9.

15. The proposed modification to Page 3, Line 9, is as follows:

...~~part~~ parts 5300.0110 to 5300.0360 [Emergency]so long as they do....

16. This modification is not substantially different from the rules as proposed.
(Comments: Dominic Sposeto, Sherman Nelson)

DRAFTING ERROR/CLARIFICATION OF LANGUAGE AMBIGUITY

17. Page 3, Lines 11 to 13. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued to prohibit the advertising of marriage and family therapy services. The proposed language also needs clarification as to which titles will be prohibited.

18. To correct a drafting error, and to provide clarification of the rules, it is reasonable to modify Page 3, Lines 11 to 13.

*Emergency Rules Draft, Dated 11/22/88

19. The proposed modification to Page 3, Line 11 to 13, is as follows:

...~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

20. this modification is consistent

Statutes, section 148B.32, subdivision 2, and is not substantially different from the rules as proposed.

(Comments: Sherman Nelson)

DRAFTING ERROR

21. Page 6, Lines 3 and 4. [Part 5300.0140 EDUCATION REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE, Subpart 4 **Proof of Equivalency**]* The proposed language could be misconstrued as requiring the master's degrees listed in subpart 3, of part 5300.0140, to follow the curriculum stated in subpart 2 of this part, in order for the degrees to be considered by the Board as establishing equivalency according to subpart 2.

22. To correct a drafting error, it is reasonable to modify Page 6, Lines 3 and 4.

23. The proposed modification to Page 6, Lines 3 and 4, is as follows:

...coursework is equivalent to requirements in ~~subparts~~ Subpart 2 ~~and~~ or 3.

24. This modification is not substantially different from the rules as proposed.

(Comments: James Maddock; Board of Marriage and Family Therapy)

CHANGE OF WORDING STYLE/CLARIFICATION OF LANGUAGE AMBIGUITY

25. Page 6, Lines 6 to 11. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 1 **Supervised experience required**]* The proposed language is awkward in wording.

26. For clarity, it is reasonable to modify Page 6, Lines 6 to 11.

27. The proposed modification to Page 6, Lines 6 to 11, is as follows:

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience. The supervised experience must meet the requirements in subparts 2 to 6.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.

*Emergency Rules Draft, Dated 11/22/88

28. This modification is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

CLARIFICATION OF LANGUAGE AMBIGUITY

29. Page 6, Lines 11 and 12. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 1 **Supervised experience required**]* Not defining the term, "postgraduate" could lead to confusion of whether the Board means post-master's degree or post-doctorate degree.

30. For clarity, it is reasonable to add a sentence on Page 6, Lines 11 and 12, which defines "postgraduate."

31. The proposed modification to Page 6, Lines 11 and 12, is as follows: (add this sentence after the sentence on Line 11)
... clause (4), must meet the requirements in subparts 2 to 6. <u>For purposes of this part, postgraduate means post-master's degree.</u>

32. This modification is not substantially different from the rules as proposed because educational qualifications for licensure require at least a master's degree, and experience obtained while an applicant is obtaining a doctorate degree will be accepted.
(Comments: William Doherty, William Percy)

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

33. Page 7, Line 3. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 5 **Counseling requirements**]* The proposed language mentions the word, "counseling" when referring to experience requirements, when the word, "therapy" is meant. Although the Board's governing statute, Minnesota Statutes, sections 148B.29 to 148B.39, interchanges the words, "counseling" and "therapy", these two words mean different things to mental health professionals. Although the Board used the same words in the rules as were used in the governing statute; it was later learned, after the rules were proposed, that the legislation will be amended to delete all references to "counseling" and "marriage and family counseling" and put in their stead, "therapy" and "marriage and family therapy."

34. For consistency and clarity, it is reasonable to modify Page 7, Line 3.

35. The proposed modification to Page 7, Line 3, is as follows:
Subp. 5 ~~**Counseling**~~ <u>**Therapy**</u> **requirements.** The applicant....

36. This modification is not substantially different from the rules as proposed.
(Comments: William Percy, Lois Mizuno)

*Emergency Rules Draft, Dated 11/22/88

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

37. Page 7, Line 4. [Part 5300.0150 EXPERIENCE REQUIREMENTS Subpart 5 **Counseling requirements**]* The proposed language mentions the word "counseling" when the word "therapy" is meant. Please see paragraph 33 for explanation.

38. For consistency and clarity, it is reasonable to modify Page 7, Line 4.

39. The proposed modification to Page 7, Line 4, is as follows:

...must demonstrate ~~counseling~~ therapy in the following categories....

40. This modification is not substantially different from the rules as proposed.

(Comments: William Percy, Lois Mizuno)

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

41. Page 7, Line 15. [Part 5300.0150 EXPERIENCE REQUIREMENTS Subpart 6 **Years of experience; computation**]* The proposed language mentions the word, "counseling" when the word, "therapy" is meant. Please see paragraph 33 for explanation.

42. For consistency and clarity, it is reasonable to modify Page 7, Line 15.

43. The proposed modification to Page 7, Line 15, is as follows:

...experience in marriage and family ~~counseling~~ therapy, the board....

44. This modification is not substantially different from the rules as proposed.

(Comments: William Percy, Lois Mizuno)

ELIMINATION OF DUPLICATION/CLARIFICATION OF LANGUAGE AMBIGUITY

45. Page 13, Lines 19 to 21. [Part 5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES Subpart 4 **Oral part of examination,** Item D]* The proposed language on Page 13, Line 19, "the applicant's clinical practice skills" was intended to mean the applicant's knowledge of professional standards. The applicant's knowledge of professional standards, however, will be examined when the Board examines the applicant's knowledge of the Code of Ethics (Page 13, Line 16 item B.), because The Code of Ethics, at Subpart 5, item S (Page 29, Lines 14 to 19) defines unprofessional conduct as any conduct violating the Code of Ethics or violating standards of professional behavior. Thus, the proposed language on Page 13, Line 19, is repetitive and duplicative of Line 16 on the same page, and could be confusing to the reader. If Line 19 is deleted as proposed, then the item letter of Line 21 must be changed.

46. To eliminate duplication and for clarity, it is reasonable to modify Page 13, Lines 19 to 21.

47. The proposed modification to Page 13, Lines 19 to 21, are as follows:

D. the applicant's clinical practice skills;
~~E.~~ the applicant's declared competencies; and
~~F.~~ E. other related areas determined by the board.

48. These modifications are not substantially different from the rules as proposed.
(Comments: Board of Marriage and Family Therapy)

DRAFTING ERROR

49. Page 16, Line 10. [Part 5300.0290 FAILURE TO RENEW,Subpart 1 **Procedures**]* To correct a drafting error, it is reasonable to modify Page 16, Line 10.

50. The proposed modification to Page 16, Line 10, is as follows:

...part 5300.0280 [Emergency], subparts 3,4,5, and 6 ~~and~~ or fails....

51. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

CLARIFICATION OF LANGUAGE AMBIGUITY

52. Page 18, Lines 33 and 34. [Part 5300.0310 CONTINUING EDUCATION REQUIREMENTS, Subpart 2 **Number of hours required**]* The proposed language is awkward and ambiguous.

53. For clarity, it is reasonable to modify Page 18, Lines 33 and 34.

54. The proposed modifications to Page 18, Lines 33 and 34, are as follows:

...minimum of 15 hours of continuing education by December 31 every year ~~, corresponding with the licensee's license renewal date~~.

55. These modifications are not substantially different from the rules as proposed since the licensee's license renewal date is December 31st.
(Comment: Board of Marriage and Family Therapy)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR/CONSISTENCY

56. Page 25, Line 32. [Part 5300.0340 VARIANCE, Subpart 3 **Alternatives must be followed**]* To correct a drafting error and for consistency, it is reasonable to modify Page 25, Line 32

57. The proposed modification to Page 25, Line 32, is as follows:

..~~application~~ petition for the variance.

58. This modification is not substantially different from the rules as proposed since the word "petition" was used in the previous subparts of this part of the rules.

(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR

59. Page 25, Lines 34 and 35. [Part 5300.0340 VARIANCE, Subpart 4 **Renewal; notice of change: revocation**]* To correct a drafting error and for consistency, it is reasonable to modify Page 25, Lines 34 and 35.

60. The proposed modifications to Page 25, Lines 34 and 35, are as follows:

...Variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the....

61. This modification is not substantially different from the rules as proposed since the word "petition" was used in the previous subparts of this part of the rules.

(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR/CONSISTENCY

62. Page 27, Line 25. [Part 5300.0350 CODE OF ETHICS, Subpart 5 **Integrity** Item C]* To correct a drafting error and for consistency, it is reasonable to modify Page 27, Line 25.

63. The proposed modification to Page 27, Line 25, is as follows:

...between the therapist and students, employees, or supervisees is....

64. This modification is not substantially different from the rules as proposed since the word, "employees," is mentioned throughout item C of subpart 5 of the Code of Ethics, and it was an oversight to forget the word in the last sentence of this item C.

(Comment: Board of Marriage and Family Therapy)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR

65. Page 28, Line 31. [Part 5300.0350 CODE OF ETHICS, Subpart 5 **Integrity** Item N]* To correct a drafting error, it is reasonable to modify Page 28, Line 31.

66. The proposed modification to Page 28, Line 31, is as follows:

...~~C~~ D or ~~J~~ K. This requirement to file a complaint does not apply....

67. This modification is not substantially different from the rules as proposed since this is an incorrect internal reference in the Code of Ethics.
(Comment: Lois Mizuno)

DRAFTING ERROR

68. Page 29, Line 35. [Part 5300 0350 CODE OF ETHICS, Subpart 6 **Relations to clients** Item B]* To correct a drafting error, it is reasonable to modify Page 29, Line 35.

69. The proposed modification to Page 29, Line 35, is as follows: (apostrophe added)

...~~therapists~~ therapist's professional judgment or increase the....

70. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR

71. Page 33, Line 35; Page 34, Line 1. [EFFECTIVE DATE] In order to correct a drafting error, it is reasonable to modify Page 33, Line 35 and Page 34, Line 1.

72. The proposed modifications to Page 33, Line 35 and Page 34, Line 1 are as follows:

Page 33, Line 35: ~~EFFECTIVE DATE. The effective date of parts 5300.0100 to~~

Page 34, Line 1: ~~5300.0360 [Emergency] is December 15, 1988.~~

73. This modification is in accordance with Minnesota Statutes, Section 14.33 which provides that emergency rules shall take effect five working days after approval by the Attorney General. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

*Emergency Rules Draft, Dated 11/22/88

OTHER COMMENTS

Sister Mary Madonna Ashton; Minnesota Department of Health.

74. Sister Mary Madonna Ashton requested the Board to include, in the rules relating to continuing education requirements, a designated number of contact hours in the area of HIV that the licensee must have in order to meet the continuing education requirements necessary for renewal of a license.

75. Although this comment was received during the public comment period on the proposed rules, the same comment was also sent to all the health-related licensing boards.

76. Requiring a designated number of continuing education hours in the area of HIV, would constitute a substantive change. Therefore, the Board chooses not to modify the proposed rules in accordance with this comment at this time, since continuing education requirements are suspended during the licensee's initial licensure period.

William Doherty, Ph.D.; Director, Marriage and Family Therapy Program, University of Minnesota.

77. William Doherty, Ph.D. objects to Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 3 **Supervision requirements,** item A., which states that supervision must involve at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more that 50 percent may be in group settings. Mr. Doherty states in his comment that 100 hours of supervision is too low. He recommends that the 100 hours of supervision be increased to 200 hours of supervision. He states that the American Association of Marriage and Family Therapy (AAMFT) requires 200 hours of supervision for membership. Mr. Doherty questions the inconsistency of the hourly supervision requirements between the Board and AAMFT, and wonders about reciprocity problems.

78. Minnesota Statutes, section 148B.33, subdivision 1, clause (4), requires an applicant to have "at least two years of supervised postgraduate experience in marriage and family counseling satisfactory to the board." (emphasis supplied).

79. Although requiring 200 hours of supervision may be reasonable, the Board has determined 100 hours of supervision to also be reasonable and satisfactory for licensure. The Board determined this hourly amount of required supervision as follows:

> Allowing for vacations each year, of the two years of experience required -- there are 50 weeks in a year or a total of 100 weeks for two years. One hour per week in face-to-face contact between a supervisor and supervisee is reasonable. One hour per week, multiplied by 100 weeks, equals 100 hours of total supervision needed for licensure.

80. There are other states who license marriage and family therapists and accept 100 hours of supervision as part of the experience required for licensure. For example, the rules of the Florida Department of Professional Regulation and Psychological Services, part 21U - 500.05 (2), relating to the experience required for licensure as a marriage and family therapist, states in part: "A minimum of 100 contact hours of supervision is required as a part of the two years of supervised experience requirement...." Also, Administrative Regulations of the Connecticut Department of Health Services, at Sec. 20-195a-4(c), relating to postgraduate experience and supervised casework of marriage and family therapist certification, states: "During the two-year post-graduate work experience, each candidate shall complete at least 100 clock hours of post-degree supervised casework with an emphasis in marriage and family therapy."

81. AAMFT is a professional association, whose purpose, in part, is to enhance the reputation of the profession of marriage and family therapy by advocating high standards for membership. The Board is a regulatory agency whose purpose is to protect the public by requiring a minimal level of competence through which individuals who practice marriage and family therapy can be licensed and thus, regulated. The Board determined that 100 hours of supervision was reasonable for an applicant to meet the qualifications of licensure.

82. Increasing the number of hours of required supervision from 100 to 200 hours would constitute a substantive change. The Board chooses therefore, not to modify the proposed rules in accordance with this comment at this time. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

Mary Beth Curry; Minnesota Hospital Association.

83. Mary Beth Curry, in her comment, believes that hospital social workers, exempt from the license requirement in the governing statute, should be able to use the title, "marriage and family therapist," within the confines of the hospital setting.

84. Minnesota Statutes, section 148B.38, subdivision 1, states: **"Other professionals.** Nothing in sections 148B.29 to 148B.39 shall be construed to prevent qualified members of other licensed or certified professions or occupations, such as licensed physicians, registered nurses, licensed practical nurses, psychologists licensed by the board of psychology, social workers, probation officers, members of the clergy, attorneys, school counselors who are employed by an accredited educational institution while performing those duties for which they are employed, registered occupational therapists or certified occupational therapist assistants who are certified by the American Occupational Therapy Association, from doing work of a marriage and family therapy nature."

85. Minnesota Statutes, section 148B.38, subdivision 1, does not specifically list hospital social workers as exempt from the license requirement. If hospital social workers are licensed by the board of social work, then they are exempt from the license requirement. Hospital social workers, however, would still be prohibited from using the title, "marriage and family therapist" because Minnesota Statutes, section 148B.38, subdivision 1, reads in part: "Nothing ...shall be construed to prevent...from doing work of a marriage and family therapy nature." (emphasis supplied).

86. Minnesota Statutes, section 148B.38, subdivision 1, must be read in conjunction with Minnesota Statutes, section 148B.32, subdivision 2, which states: **"Appearance as licensee prohibited.** After adoption of rules by the board implementing section 148B.29 to 148B.39, no individual shall be held out to be a marriage and family therapist unless that individual holds a valid license issued under sections 148B.29 to 148B.39." (emphasis supplied).

87. Minnesota Statutes, section 148B.38, subdivision 1, and Minnesota Statutes, section 148B.32, subdivision 2, specifically reserves the use of the title, "marriage and family therapist," for those individuals licensed by the Board.

88. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is consistent with the Board's governing statute. Ms. Curry's comment should be pursued legislatively.

James Maddock, Ph.D.; Associate Professor, Family Social Science Program, University of Minnesota

89. James Maddock, Ph.D., suggests in his comment, that the Board consider American Association of Marriage and Family Therapy (AAMFT) membership as evidence of equivalency when determining equivalent educational qualifications for licensure.

90. AAMFT is a professional association, whose purpose, in part, is to enhance the reputation of the profession of marriage and family therapy, and whose membership requirements reflect this purpose. The Board is a regulatory agency whose purpose is to protect the public by requiring a minimal level of competence through which individuals providing marriage and family therapy can be licensed and thus, regulated. Because of this difference in purpose, the Board cannot give approval to AAMFT members, based on membership status alone. The Board must closely examine qualifications of all applicants for licensure, in order to protect the public.

91. In order to maintain its regulatory role and to protect the public, the Board chooses not to modify the proposed rules in accordance with the suggestion made in this comment.

Dennis Anderson; President, Minnesota Psychological Association.

92. Dennis Anderson states that psychologists licensed by the Board of Psychology should be able to represent themselves to the public and advertise, using the title of "marriage and family therapist." He mentions the original sections of the governing statute's enabling legislation in support of his position. He states that the title prohibition restricts the rights of licensed psychologists to practice marriage and family therapy.

93. Minnesota Statutes, section 148B.38, subdivision 1, states in part: **"Other professionals.** Nothing in sections 148B.29 to 148B.39 shall be construed to prevent qualified members of other licensed or certified professions or occupations, such as ... psychologists licensed by the board of psychology,... from doing work of a marriage and family therapy nature." (emphasis supplied).

94. Minnesota Statutes, section 148B.38, subdivision 1, must be read in conjunction with Minnesota Statutes, section 148B.32, subdivision 2, which states: **"Appearance of licensee prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall be held out to be a marriage and family therapist unless that individual holds a valid license issued under sections 148B.29 to 148B.39." (emphasis supplied).

95. Minnesota Statutes, section 148B.38, subdivision 1, and Minnesota Statutes, section 148B.32, subdivision 2, specifically reserves the use of the title, "marriage and family therapist," for those individuals licensed by the Board.

96. Rules must be promulgated according to the plain-meaning of the governing statute, not from legislative intent, in order to avoid unsubstantiated and arbitrary regulations that may violate due process and equal protection.

97. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is consistent with the Board's governing statute. Mr. Anderson's comment should be pursued legislatively.

William Percy; Upper Midwest Division of the Association of Marriage and Family Therapy

98. William Percy recommends retaining the equivalent master's degrees listed in subpart 3 of part 5300.0140, but recommends deleting the degrees of anthropology, sociology, and criminal justice. He also recommends deleting subpart 2 of part 5300.0140, relating to an equivalent curriculum, and suggests including this subpart later, in the Board's permanent rules. Mr. Percy further recommends that the Board increase the hours of supervised experience required, in subpart 6 of part 5300.0150, to 1000 hours per year for a total of 2000 hours of supervised experience, instead of a minimum of 1000 hours of supervised experience for a minimum of two years. Additionally, Mr. Percy

recommends changing the supervisor's requirement of training in supervision [part 5300.0160, subpart 2, item B (1)] to training in psychotherapy supervision.

99. For discussion of the Board's justification for including the equivalent degrees in subpart 3 of part 5300.0140, and the statutory authority supporting such an inclusion, please see paragraphs 121 to 129.

100. Minnesota Statutes, section 148B.33, subdivision 1, clause (4), requires an applicant to have "at least two years of supervised postgraduate experience in marriage and family counseling satisfactory to the board." (emphasis supplied).

101. Although requiring 200 total hours of supervised experience may be reasonable, the Board has determined that 1000 hours of supervised experience in marriage and family therapy is also reasonable for licensure.

102. 1000 hours of supervised experience in marriage and family therapy is comparable to the number of hours of supervised experience required nationally, of individuals applying for licensure in marriage and family therapy, by those states licensing marriage and family therapists.

103. Examples of states who license marriage and family therapists and require 1000 hours of experience from their applicants are: Connecticut, Tennessee, and Utah. Administrative Regulations of the Connecticut Department of Health Services, at Sec. 20-195a - 4(a), relating to postgraduate experience and supervised casework of marriage and family therapist certification, states: "Each candidate shall complete at least two years of postgraduate work experience including at least 1000 clock hours of direct client service with an emphasis in marriage and family therapy." The rules of the Tennessee State Board of Certification For Professional Counselors, and Marital and Family Therapists Health Related Boards, Chapter 0450, part 0450-1-.03 (2)(d), relating to requirements for certification as a marital and family therapist, states in part: "Two (2) years of post degree clinical experience, one thousand (1,000) clinical hours...." The rules of the Utah Marriage and Family Therapy Board, Chapter 39, part 3906 (1), relating to minimum clinical experiential requirements for a marriage and family therapist license, states in part: "After meeting the Marriage and Family Therapy education requirements, applicants must complete one calendar year of supervised clinical experience totaling 1000 hours of [direct] client contact,...."

104. Although requiring evidence of psychotherapy supervision for board-approved supervisors may be reasonable, the Board has determined that evidence of supervision alone, is also reasonable and satisfactory in order to assure competent supervisors.

105. Increasing the numbers of supervised experience needed for licensure, and requiring evidence of psychotherapy supervision of supervisors, would constitute substantive changes.

The Board chooses not to modify the proposed rules in accordance with these comments at this time. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

Lois Mizuno; Executive Director, Board of Psychology

106. Lois Mizuno, in her comment, states that her comment is personal, and is not representative of the board of psychology.

LICENSE REQUIREMENT

107. Ms. Mizuno states that the governing statute is only a title protection statute, not a practice-protection statute. She states that part 5300.0110 exceeds the Board's statutory authority. Ms. Mizuno also states that part 5300.0120 is unnecessary because the words, "held out to be," in Minnesota Statutes, section 148B.32, subdivision 2, are sufficient words to prohibit advertising by individuals as "marriage and family therapists."

108. Minnesota Statutes, section 148B.32, subdivision 1, states: **"Unlicensed practice prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall engage in marriage and family therapy practice unless that individual holds a valid license issued under sections 148B.29 to 148B.39...." (emphasis supplied). Thus, the governing statute is a practice protection Act, in addition to being a title protection Act.

109. Minnesota Statutes, section 148B.32, subdivision 2, states: **"Appearance as licensee prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall be held out to be a marriage and family therapist unless that individual holds a valid license issued under sections 148B.29 to 148B.39."

110. The words in Minnesota Statutes, section 148B.32, subdivision 2, "held out to be," are vague and could be interpreted in a number of different ways.

111. One of the purposes of rulemaking is to provide clarity to the governing statute where clarity is needed.

112. The Board, in defining what the words, "held out to be," means through subparts 1, 2, and 3 of part 5300.0110, and by listing the titles which are prohibited in part 5300.1020 (please see paragraph 19 for the changes made), enjoins the Board from making discretionary decisions about what the words, "held out to be," mean; and thereby ensures applicants and licensees of due process and equal protection, and protects the public by giving specific examples of violations of the law.

113. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable, consistent with the governing statues, and within the Board's statutory authority.

REQUIREMENTS FOR LICENSURE

114. Ms. Mizuno recommends deletion of item D in subpart 1 of part 5300.0130. She states that it doesn't matter whether an applicant agrees or doesn't agree to abide by the Board's Code of Ethics because the applicant, when licensed, must abide or be disciplined. Ms. Mizuno also recommends deletion of item E in subpart 1 of part 5300.0130. She states that, because an exam is waived during the transition period, this item should be included the Board's permanent rules instead.

115. Minnesota Statutes, section 148B.33, subdivision 1, clause (6), relating to requirements for licensure, states that an applicant for a license shall furnish evidence that the applicant, "will agree to conduct all professional activities as a licensed marriage and family counselor in accordance with a code of ethics for marriage and family therapists to be adopted by the board." (emphasis supplied). Thus, item D in subpart 1 of part 5300.0130 is needed in the proposed rules as a requirement for licensure.

116. Even if item D in subpart 1 of part 5300.0130 was not a statutory requirement for licensure, item D is useful in the proposed rules because it solidifies and "drives home" to the licensed applicants, the obligation of knowing and conforming to the Code of Ethics, thereby protecting the public to a much higher degree than if this item was deleted.

117. Item E in subpart 1 of part 5300.0130, requiring applicants to pass an exam, must be included in the proposed emergency rules, just in case the emergency rules are still in effect after the transition period ends. The transition period ends 6/30/89. The proposed emergency rules are effective for 180 days after adoption. However, if permanent rules are not adopted by the end of the first 180 day period, the Board may petition the Attorney General for an extension of the effective date of the emergency rules; for an extension of not more than 180 days. If the Board's permanent rules are not adopted by 6/30/89, and if the Board is granted an extension of the effective date of the emergency rules; Item D, as well as other rules relating to requirements and procedures in effect after the transition period, are necessary.

118. By including rules which will take effect after the transition period in the emergency rules now, the Board gives advance notice to the public and to potential applicants about licensure requirements and procedures, and thereby, protects the public more so than if the Board deleted these rules.

119. The Board chooses not to modify the rules in accordance with these comments. The proposed language is reasonable, consistent with the governing statute, and within the Board's statutory authority.

EDUCATIONAL REQUIREMENTS

120. Ms. Mizuno states that subpart 3 of part 5300.0140 exceeds the Board's statutory authority. She states that the Board's governing statute only allows the Board to waive an exam.

121. Minnesota Statutes, section 148B.33, subdivision 1, clauses (5) (i) and (5) (ii) relating to requirements for licensure, states that an applicant for a license shall furnish evidence that the applicant, "has completed a master's or doctoral degree in marriage and family therapy from a program in a regionally accredited educational institution or from a program accredited by the commissioner on accreditations for marriage and family therapy education of the American association for marriage and family therapists; or(ii) has completed a master's or doctoral degree from a regionally accredited educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in clause (5) (i)." (emphasis supplied).

122. An applicant for a marriage and family therapy license, if he/she cannot meet the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (i), may establish coursework equivalency according to Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (ii). The Board, in the proposed rules, allows an applicant to meet the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (ii) by complying with subpart 2 of part 5300.0140, coursework equivalency established through a specific curriculum; or by complying with subpart 3 of part 5300.0140, coursework equivalency established by having obtained at least a master's degree in the particular subject fields listed. Subpart 3 is effective only during the transition period because during the transitional period, the Board is likely to be presented with a wide diversity of educational backgrounds from individuals seeking licensure who have been practicing marriage and family therapy before licensure was required.

123. Subpart 3 of part 5300.0140 takes into consideration, those marriage and family therapists who have been practicing marriage and family therapy in excess of 10 years, but who may find difficulty in meeting the qualifications of licensure because they did not graduate with a master's or doctoral degree in marriage and family therapy, or because they cannot establish equivalency through the specific curriculum set out in subpart 2.

124. Subpart 3 of part 5300.0140 was intended by the Board to provide licensure for those marriage and family therapists who have been practicing competently and successfully for a considerable amount of time, but whose academic training was not as curriculum specific as subpart 2, nor within a marriage and family therapy program -- both of which, some 10 or 15 years ago, were not widely available, and even absent, in some states.

125. The Board, in order to fulfill its legislative, licensing mandate, and in order to protect the public by licensing and regulating individuals who practice marriage and family therapy, included subpart 3 of part 5300.0140 in the proposed rules so that the Board could objectively respond to the great diversity of academic credentials presented by those desiring licensure during the transition period. In order to avoid arbitrary and capricious decisions by the Board regarding coursework-equivalent degrees, the Board has listed specific subject fields from which the degrees must be obtained.

126. The Board determined the particular subject fields listed in subpart 3 by: (1) considering the specific licensed or certified professions/occupations exempt from the license requirement in Minnesota Statutes, section 148B.38, subdivision 1, and determining the particular subject fields from which these professions/occupations derived; (2) considering the subject fields from which master's degrees were obtainable 10 - 15 years ago, and then matching those subject fields with the subject fields determined in (1), above; and (3) looking at the laws and rules of other states who license marriage and family therapists, to see what they accept as equivalent degrees for licensure.

127. Examples of what other states accept as equivalent marriage and family therapy degrees are as follows:

Connecticut:	Psychology, social work, pastoral counseling, psychiatric or mental health nursing [Administrative Regulations relating to Marriage and family therapist certification; Sec. 20-195a-2 (b) (1) to (4).]
Florida:	Master's degrees with major emphasis in marriage and family therapy, psychology, clinical emphasis in marriage and family therapy, clinical social work, or mental health counseling [Rules of the Department of Professional Regulation and Psychological Services, 21 U-500.10, (3) (b) 1]
North Carolina:	(Accepted only during the state's transition period) - Master's degrees in an allied mental health field. A person also meets the necessary educational qualifications for certification as a marriage and family therapist if the person is a member of the clergy or a physician whose official transcripts establish completion of an

appropriate course of study in an allied mental health field. [North Carolina Marital and Family Therapy Certification Act, Article 18C, section 90-270.53 (1) (a)]

South Carolina: Master's degrees which are primarily marital and family therapy in content. [Professional Counselor, Associate Counselor, and Marital and Family Therapist Licensing Act, Chapter 75 of South Carolina Laws, Section 40-75-100 (c)]

Utah: Master's degrees in a field of study where there has been an emphasis in human behavioral studies, or a graduate degree in a field of religious study. [Utah Code Annotated, Title 58, Chapter 39 Utah Code Annotated]

Georgia: Master's degrees in professional counseling, social work, medicine, psychiatric nursing, applied psychology, pastoral counseling (including divinity and theology), applied child and family development, or sociology (additional courses are required to be completed with the above-listed degrees after the state's transition period ends).

New Jersey: Master's degrees in social work, marriage or pastoral counseling, psychology, sociology of the family, family life-education or another field of study in a closely allied field, or a doctor of medicine. [Laws of New Jersey, C.45:B-15 (a)]

Michigan: Master's degree in social work or marriage or pastoral counseling. [Michigan Laws, Article 15, Section 1505 (c)]

128. Social work, psychology, medicine, psychiatric nursing, pastoral counseling, divinity or theology, human development, applied child and family development, counseling, and sociology are all equivalent educational degrees accepted by other states which license marriage and family therapists. Human development and sociology in particular, were the master's degrees granted 15 years ago instead of a master's degree in social work which was nonexistent or not readily available at that time. The Board included a master's degree from the field of family social science in subpart 3, because this is the degree granted from the Marriage and Family Therapy Program at the University of Minnesota. The Board included a master's degree from the field of anthropology in subpart 3, because the Board determined that anthropology is a field of study where there is an emphasis in human behavioral studies. The field of anthropology researches and studies different styles of family life and interrelationships within family subsystems of different

cultures. An individual in anthropology assesses and understands how individual family members affect the function or dysfunction of the family as a whole. The Board included a master's degree from the field of criminal justice because an individual who has a master's degree from this field could be doing marriage and family intervention. This field recognizes the effect of an individual offender's family life in relation to that offender's deviant behavior. The coursework of a master's degree in criminal justice includes analysis between the nature of the offender's behavior and the impact of the offender's family functions or dysfunctions on that behavior. Criminal Justice includes the study of the behavior of the offender as that behavior relates to society, the criminal justice system, and the offender's family group. Also, probation officers, who work in the criminal justice system, are one of the listed professionals in Minnesota Statutes, section 148B.38, subdivision 1, and are therefore exempt from needing a license in order to do work of a marriage and family therapy nature.

129. If an individual establishes course work equivalency according to Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (ii), by complying with subpart 3 of part 5300.0140, that individual must also prove satisfactory completion of supervised experience requirements in marriage and family therapy from a Board approved supervisor, before that individual will be approved for licensure.

130. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

EXPERIENCE REQUIREMENTS

131. Ms. Mizuno recommends increasing the hours of supervisory experience in subpart 6 of part 5300.0150, to reflect full-time employment.

132. For discussion of the Board's justification for the experience requirements as proposed, and the statutory authority supporting this justification, please see paragraphs 100 to 103.

133. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

REQUIREMENTS FOR SUPERVISOR

134. Ms. Mizuno recommends deleting subpart 1 or part 5300.0160, stating that this subpart does not apply during the transition period.

135. For a discussion of the Board's reasons for including rules relating to requirements and procedures that take effect after the transition period in the proposed emergency rules, please see paragraphs 117 and 118.

136. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is reasonable and necessary.

LICENSURE PROCESS
PROCEDURES FOR ADMISSION TO EXAM
PROCEDURES FOR ADMISSION TO LICENSURE
CONCURRENT APPLICATIONS
EXAMINATION METHODS
RENEWAL OF LICENSE
FAILURE TO RENEW
REINSTATEMENT OF LICENSE
CONTINUING EDUCATION REQUIREMENTS

137. Ms. Mizuno recommends deletion of these parts on the grounds that they will not take effect until after the transition period, when permanent rules are adopted.

138. For a discussion of the Board's reasons for including rules relating to requirements and procedures taking effect after the transition period in the proposed emergency rules, please see paragraphs 117 and 118.

139. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable and necessary.

CODE OF ETHICS

140. Ms. Mizuno recommends better organization of the Code of Ethics as proposed, in order to promote comprehension of various concepts (ie. include all references to sexual contact/harassment in one paragraph); and she recommends parallel construction (ie. addressing specific conduct which the licensee must or must not engage in). Ms. Mizuno also recommends deletion of the preambles in the Code of Ethics. She states that the preambles are niceties that do not promote comprehension nor enhance the Board's enforcement powers because they are not enforceable.

141. The organization of the Code of Ethics was determined by the Board with ease of comprehension in mind. Ms. Mizuno is the only individual who submitted a comment stating a possibility of comprehension difficulties with the Code of Ethics as proposed.

142. Regarding the difficulty of enforcement of the preambles in the Code of Ethics: Ease of enforcement is not a principle test by which ethical codes for regulatory agencies are established, so long as language is not vague or over-broad.

143. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable.

CONCLUSIONS

1. The Board published and served timely and adequate notice of the intent to adopt the proposed emergency rules.

2. The Board has demonstrated its statutory authority to adopt the proposed emergency rules and has fulfilled all other substantive and procedural requirements of statute and rule.

3. The changes that are being made in the emergency rules do not result in emergency rules that are substantially different than what was proposed in the State Register.

4. Any findings which might properly be termed conclusions and any conclusions which might properly be termed findings are hereby adopted as such.

ORDER

NOW THEREFORE, IT IS ORDERED that the rules identified as Proposed Emergency Rules Relating to Marriage and Family Therapy Licensure, as modified, are adopted this 23rd day of November, 1988, pursuant to authority vested in the Board of Marriage and Family Therapy by Minnesota Statutes, section 148B.171.

Deborah Mancheski

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy

November 23, 1988
Date

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Emergency Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULES

Notice of the State Board of Marriage and Family Therapy's intent to adopt the above-entitled emergency rules was published in the State Register on October 17, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on October 14, 1988.

All persons were given the opportunity to submit written comments on the rules for a least 25 days after notice of proposed rulemaking.

The above-entitled matter came before the State Board of Marriage and Family Therapy (Board) on the 18th day of November, 1988. After considering all written comments submitted to the Board, in accordance with statutory requirements regarding the adoption of emergency rules, the Board, being fully advised on the premises, hereby adopts the following findings of fact and conclusions.

FINDINGS OF FACT

1. The Board published its notice of intent to adopt the above-entitled rules, together with the proposed rules, in the State Register on October 17, 1988.

2. The notice of the Board's intent to adopt the rules afforded interested persons 25 days during which to submit data and views on the proposed rules. The comment period, as set out in the notice, expired on November 10, 1988.

3. During the comment period, the Board received written comments from nine interested persons or departments or agencies. They are as follows:

Dominic Sposeto; Dominic Sposeto & Associates
Sister Mary Madonna Ashton; Minnesota Department of Health
Sherman Nelson, Ph.D.; Minneapolis Clinic of Neurology, Ltd.
William Doherty, Ph.D.; Director, University of Minnesota Marriage and Family Therapy Program

Mary Beth Curry; Minnesota Hospital Association
James Maddock, Ph.D.; Associate Professor, University of Minnesota Family Social Science Program
Dennis Anderson; President, Minnesota Psychological Association
William Percy; Upper Midwest Division of the Association of Marriage and Family Therapy
Lois Mizuno; Executive Director, State Board of Psychology

In addition, the Board staff prepared written comments on the rules relating to modifications to be made. These comments are part of the record.

4. The Board finds that certain comments received have merit, and the Board has modified the rules accordingly. The Board finds that the comments received support 19 modifications in the rules as proposed. None of these modifications are substantive.

CLARIFICATION OF LANGUAGE AMBIGUITY

5. Page 2, Lines 20 and 21. [Part 5300.0110 LICENSE REQUIREMENT, Subpart 1. **License Required**]* The proposed language could be misconstrued to include those individuals specifically exempt in Minnesota Statutes, section 148B.38.

6. For clarity, it is reasonable to modify Page 2, Lines 20 and 21, in order to be parallel in construction to Minnesota Statutes, section 148B.38.

7. The proposed modifications to Page 2, Lines 20 and 21, are as follows:

5300.0110 [Emergency] LICENSE REQUIREMENT
Subpart 1. **License required.** No person, <u>other than those individuals exempt in Minnesota Statutes, section 148B.38,</u> shall....

8. This modification is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR

9. Page 2, Line 24. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued to prohibit the advertising of marriage and family therapy services.

10. To correct a drafting error, it is reasonable to modify Page 2, Line 24.

11. The proposed modification to Page 2, Line 24, is as follows:

...denoting marriage and family ~~therapy~~ therapist without obtaining....

12. This modification is consistent with Minnesota Statutes, section 148B.32, subdivision 2, and is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

CLARIFICATION OF LANGUAGE AMBIGUITY

13. page 3, line 9. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued as requiring those qualified individuals of other licensed or certified professions or occupations who are exempt from the license requirement, to abide by the rest of the rules which follow (ie. Code of Ethics).

14. For clarity, it is reasonable to modify Page 3, Line 9.

15. The proposed modification to Page 3, Line 9, is as follows:

...~~part~~ parts 5300.0110 to 5300.0360 [Emergency]so long as they do....

16. This modification is not substantially different from the rules as proposed.
(Comments: Dominic Sposeto, Sherman Nelson)

DRAFTING ERROR/CLARIFICATION OF LANGUAGE AMBIGUITY

17. Page 3, Lines 11 to 13. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued to prohibit the advertising of marriage and family therapy services. The proposed language also needs clarification as to which titles will be prohibited.

18. To correct a drafting error, and to provide clarification of the rules, it is reasonable to modify Page 3, Lines 11 to 13.

*Emergency Rules Draft, Dated 11/22/88

19. The proposed modification to Page 3, Line 11 to 13, is as follows:

...~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

20. This modification is consistent with Minnesota Statutes, section 148B.32, subdivision 2, and is not substantially different from the rules as proposed.

(Comments: Sherman Nelson)

DRAFTING ERROR

21. Page 6, Lines 3 and 4. [Part 5300.0140 EDUCATION REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE, Subpart 4 **Proof of Equivalency**]* The proposed language could be misconstrued as requiring the master's degrees listed in subpart 3, of part 5300.0140, to follow the curriculum stated in subpart 2 of this part, in order for the degrees to be considered by the Board as establishing equivalency according to subpart 2.

22. To correct a drafting error, it is reasonable to modify Page 6, Lines 3 and 4.

23. The proposed modification to Page 6, Lines 3 and 4, is as follows:

...coursework is equivalent to requirements in ~~subparts~~ Subpart 2 ~~and~~ or 3.

24. This modification is not substantially different from the rules as proposed.

(Comments: James Maddock; Board of Marriage and Family Therapy)

CHANGE OF WORDING STYLE/CLARIFICATION OF LANGUAGE AMBIGUITY

25. Page 6, Lines 6 to 11. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 1 **Supervised experience required**]* The proposed language is awkward in wording.

26. For clarity, it is reasonable to modify Page 6, Lines 6 to 11.

27. The proposed modification to Page 6, Lines 6 to 11, is as follows:

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience. The supervised experience must meet the requirements in subparts 2 to 6.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.

*Emergency Rules Draft, Dated 11/22/88

28. This modification is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

CLARIFICATION OF LANGUAGE AMBIGUITY

29. Page 6, Lines 11 and 12. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 1 **Supervised experience required**]* Not defining the term, "postgraduate" could lead to confusion of whether the Board means post-master's degree or post-doctorate degree.

30. For clarity, it is reasonable to add a sentence on Page 6, Lines 11 and 12, which defines "postgraduate."

31. The proposed modification to Page 6, Lines 11 and 12, is as follows: (add this sentence after the sentence on Line 11)
... clause (4), must meet the requirements in subparts 2 to 6. <u>For purposes of this part, postgraduate means post-master's degree.</u>

32. This modification is not substantially different from the rules as proposed because educational qualifications for licensure require at least a master's degree, and experience obtained while an applicant is obtaining a doctorate degree will be accepted.
(Comments: William Doherty, William Percy)

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

33. Page 7, Line 3. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 5 **Counseling requirements**]* The proposed language mentions the word, "counseling" when referring to experience requirements, when the word, "therapy" is meant. Although the Board's governing statute, Minnesota Statutes, sections 148B.29 to 148B.39, interchanges the words, "counseling" and "therapy", these two words mean different things to mental health professionals. Although the Board used the same words in the rules as were used in the governing statute; it was later learned, after the rules were proposed, that the legislation will be amended to delete all references to "counseling" and "marriage and family counseling" and put in their stead, "therapy" and "marriage and family therapy."

34. For consistency and clarity, it is reasonable to modify Page 7, Line 3.

35. The proposed modification to Page 7, Line 3, is as follows:
Subp. 5 ~~Counseling~~ <u>Therapy</u> **requirements.** The applicant....

36. This modification is not substantially different from the rules as proposed.
(Comments: William Percy, Lois Mizuno)

*Emergency Rules Draft, Dated 11/22/88

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

37. Page 7, Line 4. [Part 5300.0150 EXPERIENCE REQUIREMENTS Subpart 5 **Counseling requirements**]* The proposed language mentions the word "counseling" when the word "therapy" is meant. Please see paragraph 33 for explanation.

38. For consistency and clarity, it is reasonable to modify Page 7, Line 4.

39. The proposed modification to Page 7, Line 4, is as follows:

...must demonstrate ~~counseling~~ therapy in the following categories....

40. This modification is not substantially different from the rules as proposed.

(Comments: William Percy, Lois Mizuno)

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

41. Page 7, Line 15. [Part 5300.0150 EXPERIENCE REQUIREMENTS Subpart 6 **Years of experience; computation**]* The proposed language mentions the word, "counseling" when the word, "therapy" is meant. Please see paragraph 33 for explanation.

42. For consistency and clarity, it is reasonable to modify Page 7, Line 15.

43. The proposed modification to Page 7, Line 15, is as follows:

...experience in marriage and family ~~counseling~~ therapy, the board....

44. This modification is not substantially different from the rules as proposed.

(Comments: William Percy, Lois Mizuno)

ELIMINATION OF DUPLICATION/CLARIFICATION OF LANGUAGE AMBIGUITY

45. Page 13, Lines 19 to 21. [Part 5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES Subpart 4 **Oral part of examination,** Item D]* The proposed language on Page 13, Line 19, "the applicant's clinical practice skills" was intended to mean the applicant's knowledge of professional standards. The applicant's knowledge of professional standards, however, will be examined when the Board examines the applicant's knowledge of the Code of Ethics (Page 13, Line 16, item B), because The Code of Ethics, at Subpart 5, item S (Page 29, Lines 14 to 19) defines unprofessional conduct as any conduct violating the Code of Ethics or violating standards of professional behavior. Thus, the proposed language on Page 13, Line 19, is repetitive and duplicative of Line 16 on the same page, and could be confusing to the reader. If Line 19 is deleted as proposed, then the item letter of Line 21 must be changed.

46. To eliminate duplication and for clarity, it is reasonable to modify Page 13, Lines 19 to 21.

47. The proposed modifications to Page 13, Lines 19 to 21, are as follows:

D. the applicant's clinical practice skills;
~~E.~~ the applicant's declared competencies; and
~~F.~~ E. other related areas determined by the board.

48. These modifications are not substantially different from the rules as proposed.
(Comments: Board of Marriage and Family Therapy)

DRAFTING ERROR

49. Page 16, Line 10. [Part 5300.0290 FAILURE TO RENEW,Subpart 1 **Procedures**]* To correct a drafting error, it is reasonable to modify Page 16, Line 10.

50. The proposed modification to Page 16, Line 10, is as follows:

...part 5300.0280 [Emergency], subparts 3,4,5, and 6 ~~and~~ or fails....

51. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

CLARIFICATION OF LANGUAGE AMBIGUITY

52. Page 18, Lines 33 and 34. [Part 5300.0310 CONTINUING EDUCATION REQUIREMENTS, Subpart 2 **Number of hours required**]* The proposed language is awkward and ambiguous.

53. For clarity, it is reasonable to modify Page 18, Lines 33 and 34.

54. The proposed modifications to Page 18, Lines 33 and 34, are as follows:

...minimum of 15 hours of continuing education by December 31 every year ~~, corresponding with the licensee's license renewal date~~.

55. These modifications are not substantially different from the rules as proposed since the licensee's license renewal date is December 31st.
(Comment: Board of Marriage and Family Therapy)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR/CONSISTENCY

56. Page 25, Line 32. [Part 5300.0340 VARIANCE, Subpart 3 **Alternatives must be followed**]* To correct a drafting error and for consistency, it is reasonable to modify Page 25, Line 32

57. The proposed modification to Page 25, Line 32, is as follows:

..~~application~~ petition for the variance.

58. This modification is not substantially different from the rules as proposed since the word "petition" was used in the previous subparts of this part of the rules.

(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR

59. Page 25, Lines 34 and 35. [Part 5300.0340 VARIANCE, Subpart 4 **Renewal; notice of change: revocation**]* To correct a drafting error and for consistency, it is reasonable to modify Page 25, Lines 34 and 35.

60. The proposed modifications to Page 25, Lines 34 and 35, are as follows:

...Variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the....

61. This modification is not substantially different from the rules as proposed since the word "petition" was used in the previous subparts of this part of the rules.

(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR/CONSISTENCY

62. Page 27, Line 25. [Part 5300.0350 CODE OF ETHICS, Subpart 5 **Integrity** Item C]* To correct a drafting error and for consistency, it is reasonable to modify Page 27, Line 25.

63. The proposed modification to Page 27, Line 25, is as follows:

...between the therapist and students, employees, or supervisees is....

64. This modification is not substantially different from the rules as proposed since the word, "employees," is mentioned throughout item C of subpart 5 of the Code of Ethics, and it was an oversight to forget the word in the last sentence of item C.

(Comment: Board of Marriage and Family Therapy)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR

65. Page 28, Line 31. [Part 5300.0350 CODE OF ETHICS, Subpart 5 **Integrity** Item N]* To correct a drafting error, it is reasonable to modify Page 28, Line 31.

66. The proposed modification to Page 28, Line 31, is as follows:

...~~C~~ D or ~~J~~ K. This requirement to file a complaint does not apply....

67. This modification is not substantially different from the rules as proposed since this is an incorrect internal reference in the Code of Ethics.
(Comment: Lois Mizuno)

DRAFTING ERROR

68. Page 29, Line 35. [Part 5300 0350 CODE OF ETHICS, Subpart 6 **Relations to clients** Item B]* To correct a drafting error, it is reasonable to modify Page 29, Line 35.

69. The proposed modification to Page 29, Line 35, is as follows: (apostrophe added)

...~~therapists~~ therapist's professional judgment or increase the....

70. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR

71. Page 33, Line 35; Page 34, Line 1. [EFFECTIVE DATE] In order to correct a drafting error, it is reasonable to modify Page 33, Line 35 and Page 34, Line 1.

72. The proposed modifications to Page 33, Line 35 and Page 34, Line 1 are as follows:

Page 33, Line 35: ~~EFFECTIVE DATE. The effective date of parts 5300.0100 to~~
Page 34, Line 1: ~~5300.0360 [Emergency] is December 15, 1988.~~

73. This modification is in accordance with Minnesota Statutes, Section 14.33 which provides that emergency rules shall take effect five working days after approval by the Attorney General. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

*Emergency Rules Draft, Dated 11/22/88

OTHER COMMENTS

Sister Mary Madonna Ashton; Minnesota Department of Health.

74. Sister Mary Madonna Ashton requested the Board to include, in the rules relating to continuing education requirements, a designated number of contact hours in the area of HIV that the licensee must have in order to meet the continuing education requirements necessary for renewal of a license.

75. Although this comment was received during the public comment period on the proposed rules, the same comment was also sent to all the health-related licensing boards.

76. Requiring a designated number of continuing education hours in the area of HIV, would constitute a substantive change. Therefore, the Board chooses not to modify the proposed rules in accordance with this comment at this time, since continuing education requirements are suspended during the licensee's initial licensure period.

William Doherty, Ph.D.; Director, Marriage and Family Therapy Program, University of Minnesota.

77. William Doherty, Ph.D., objects to Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 3 **Supervision requirements,** item A, which states that supervision must involve at least 100 hours of face-to-face contact between the supervisor and supervisee of which not more that 50 percent may be in group settings. Mr. Doherty states in his comment that 100 hours of supervision is too low. He recommends that the 100 hours of supervision be increased to 200 hours of supervision. He states that the American Association of Marriage and Family Therapy (AAMFT) requires 200 hours of supervision for membership. Mr. Doherty questions the inconsistency of the hourly supervision requirements between the Board and AAMFT, and wonders about reciprocity problems.

78. Minnesota Statutes, section 148B.33, subdivision 1, clause (4), requires an applicant to have "at least two years of supervised postgraduate experience in marriage and family counseling satisfactory to the board." (emphasis supplied).

79. Although requiring 200 hours of supervision may be reasonable, the Board has determined 100 hours of supervision to also be reasonable and satisfactory for licensure. The Board determined this hourly amount of required supervision as follows:

> Allowing for vacations each year, of the two years of experience required -- there are 50 weeks in a year or a total of 100 weeks for two years. One hour per week in face-to-face contact between a supervisor and supervisee is reasonable. One hour per week, multiplied by 100 weeks, equals 100 hours of total supervision needed for licensure.

80. There are other states who license marriage and family therapists and accept 100 hours of supervision as part of the experience required for licensure. For example, the rules of the Florida Department of Professional Regulation and Psychological Services, part 21U - 500.05 (2), relating to the experience required for licensure as a marriage and family therapist, states in part: "A minimum of 100 contact hours of supervision is required as a part of the two years of supervised experience requirement...." Also, Administrative Regulations of the Connecticut Department of Health Services, at Sec. 20-195a-4(c), relating to postgraduate experience and supervised casework of marriage and family therapist certification, states: "During the two-year post-graduate work experience, each candidate shall complete at least 100 clock hours of post-degree supervised casework with an emphasis in marriage and family therapy."

81. AAMFT is a professional association, whose purpose, in part, is to enhance the reputation of the profession of marriage and family therapy by advocating high standards for membership. The Board is a regulatory agency whose purpose is to protect the public by requiring a minimal level of competence through which individuals who practice marriage and family therapy can be licensed and thus, regulated. The Board determined that 100 hours of supervision was reasonable for an applicant to meet the qualifications of licensure.

82. Increasing the number of hours of required supervision from 100 to 200 hours would constitute a substantive change. The Board chooses, therefore, not to modify the proposed rules in accordance with this comment at this time. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

Mary Beth Curry; Minnesota Hospital Association.

83. Mary Beth Curry, in her comment, believes that hospital social workers, exempt from the license requirement in the governing statute, should be able to use the title, "marriage and family therapist," within the confines of the hospital setting.

84. Minnesota Statutes, section 148B.38, subdivision 1, states: **"Other professionals.** Nothing in sections 148B.29 to 148B.39 shall be construed to prevent qualified members of other licensed or certified professions or occupations, such as licensed physicians, registered nurses, licensed practical nurses, psychologists licensed by the board of psychology, social workers, probation officers, members of the clergy, attorneys, school counselors who are employed by an accredited educational institution while performing those duties for which they are employed, registered occupational therapists or certified occupational therapist assistants who are certified by the American Occupational Therapy Association, from doing work of a marriage and family therapy nature."

85. Minnesota Statutes, section 148B.38, subdivision 1, does not specifically list hospital social workers as exempt from the license requirement. If hospital social workers are licensed by the board of social work, then they are exempt from the license requirement. Hospital social workers, however, would still be prohibited from using the title, "marriage and family therapist" because Minnesota Statutes, section 148B.38, subdivision 1, reads in part: "Nothing ...shall be construed to prevent...from doing work of a marriage and family therapy nature." (emphasis supplied).

86. Minnesota Statutes, section 148B.38, subdivision 1, must be read in conjunction with Minnesota Statutes, section 148B.32, subdivision 2, which states: **"Appearance as licensee prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall be held out to be a marriage and family therapist unless that individual holds a valid license issued under sections 148B.29 to 148B.39." (emphasis supplied).

87. Minnesota Statutes, section 148B.38, subdivision 1, and Minnesota Statutes, section 148B.32, subdivision 2, specifically reserves the use of the title, "marriage and family therapist," for those individuals licensed by the Board.

88. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is consistent with the Board's governing statute. Ms. Curry's comment should be pursued legislatively.

James Maddock, Ph.D.; Associate Professor, Family Social Science Program, University of Minnesota

89. James Maddock, Ph.D., suggests in his comment, that the Board consider American Association of Marriage and Family Therapy (AAMFT) membership as evidence of equivalency when determining equivalent educational qualifications for licensure.

90. AAMFT is a professional association whose purpose, in part, is to enhance the reputation of the profession of marriage and family therapy, and whose membership requirements reflect this purpose. The Board is a regulatory agency whose purpose is to protect the public by requiring a minimal level of competence through which individuals providing marriage and family therapy can be licensed and thus, regulated. Because of this difference in purpose, the Board cannot give approval to AAMFT members, based on membership status alone. The Board must closely examine qualifications of all applicants for licensure, in order to protect the public.

91. In order to maintain its regulatory role and to protect the public, the Board chooses not to modify the proposed rules in accordance with the suggestion made in this comment.

Dennis Anderson; President, Minnesota Psychological Association.

92. Dennis Anderson states that psychologists licensed by the Board of Psychology should be able to represent themselves to the public and advertise, using the title of "marriage and family therapist." He mentions the original sections of the governing statute's enabling legislation in support of his position. He states that the title prohibition restricts the rights of licensed psychologists to practice marriage and family therapy.

93. Minnesota Statutes, section 148B.38, subdivision 1, states in part: **"Other professionals.** Nothing in sections 148B.29 to 148B.39 shall be construed to prevent qualified members of other licensed or certified professions or occupations, such as ... psychologists licensed by the board of psychology,... from doing work of a marriage and family therapy nature." (emphasis supplied).

94. Minnesota Statutes, section 148B.38, subdivision 1, must be read in conjunction with Minnesota Statutes, section 148B.32, subdivision 2, which states: **"Appearance of licensee prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall be held out to be a marriage and family therapist unless that individual holds a valid license issued under sections 148B.29 to 148B.39." (emphasis supplied).

95. Minnesota Statutes, section 148B.38, subdivision 1, and Minnesota Statutes, section 148B.32, subdivision 2, specifically reserves the use of the title, "marriage and family therapist," for those individuals licensed by the Board.

96. Rules must be promulgated according to the plain-meaning of the governing statute, not from legislative intent, in order to avoid unsubstantiated and arbitrary regulations that may violate due process and equal protection.

97. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is consistent with the Board's governing statute. Mr. Anderson's comment should be pursued legislatively.

William Percy; Upper Midwest Division of the Association of Marriage and Family Therapy

98. William Percy recommends retaining the equivalent master's degrees listed in subpart 3 of part 5300.0140, but recommends deleting the degrees of anthropology, sociology, and criminal justice. He also recommends deleting subpart 2 of part 5300.0140, relating to an equivalent curriculum, and suggests including this subpart later, in the Board's permanent rules. Mr. Percy further recommends that the Board increase the hours of supervised experience required, in subpart 6 of part 5300.0150, to 1000 hours per year for a total of 2000 hours of supervised experience, instead of a minimum of 1000 hours of supervised experience for a minimum of two years. Additionally, Mr. Percy

recommends changing the supervisor's requirement of training in supervision [part 5300.0160, subpart 2, item B (1)] to training in psychotherapy supervision.

99. For discussion of the Board's justification for including the equivalent degrees in subpart 3 of part 5300.0140, and the statutory authority supporting such an inclusion, please see paragraphs 121 to 129.

100. Minnesota Statutes, section 148B.33, subdivision 1, clause (4), requires an applicant to have "at least two years of supervised postgraduate experience in marriage and family counseling satisfactory to the board." (emphasis supplied).

101. Although requiring 200 total hours of supervised experience may be reasonable, the Board has determined that 1000 hours of supervised experience in marriage and family therapy is also reasonable for licensure.

102. 1000 hours of supervised experience in marriage and family therapy is comparable to the number of hours of supervised experience required nationally, of individuals applying for licensure in marriage and family therapy, by those states licensing marriage and family therapists.

103. Examples of states who license marriage and family therapists and who require 1000 hours of experience from their applicants are: Connecticut, Tennessee, and Utah. Administrative Regulations of the Connecticut Department of Health Services, at Sec. 20-195a - 4(a), relating to postgraduate experience and supervised casework of marriage and family therapist certification, states: "Each candidate shall complete at least two years of postgraduate work experience including at least 1000 clock hours of direct client service with an emphasis in marriage and family therapy." The rules of the Tennessee State Board of Certification For Professional Counselors, and Marital and Family Therapists Health Related Boards, Chapter 0450, part 0450-1-.03 (2)(d), relating to requirements for certification as a marital and family therapist, states in part: "Two (2) years of post degree clinical experience, one thousand (1,000) clinical hours...." The rules of the Utah Marriage and Family Therapy Board, Chapter 39, part 3906 (1), relating to minimum clinical experiential requirements for a marriage and family therapist license, states in part: "After meeting the Marriage and Family Therapy education requirements, applicants must complete one calendar year of supervised clinical experience totaling 1000 hours of [direct] client contact,...."

104. Although requiring evidence of psychotherapy supervision for board-approved supervisors may be reasonable, the Board has determined that evidence of supervision alone is also reasonable and satisfactory in order to assure competent supervisors.

105. Increasing the number of hours of supervised experience needed for licensure, and requiring supervisors to provide evidence of psychotherapy supervision, would constitute

substantive changes. Therefore, the Board chooses not to modify the proposed rules in accordance with these comments at this time. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

Lois Mizuno; Executive Director, Board of Psychology

106. Lois Mizuno, in her comment, states that her comment is personal and is not representative of the board of psychology.

LICENSE REQUIREMENT

107. Ms. Mizuno states that the governing statute is only a title protection statute, not a practice-protection statute. She states that part 5300.0110 exceeds the Board's statutory authority. Ms. Mizuno also states that part 5300.0120 is unnecessary because the words, "held out to be," in Minnesota Statutes, section 148B.32, subdivision 2, are sufficient words to prohibit advertising by individuals as "marriage and family therapists."

108. Minnesota Statutes, section 148B.32, subdivision 1, states: "**Unlicensed practice prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall engage in marriage and family therapy practice unless that individual holds a valid license issued under sections 148B.29 to 148B.39...." (emphasis supplied). Thus, the governing statute is a practice protection Act, in addition to being a title protection Act.

109. Minnesota Statutes, section 148B.32, subdivision 2, states: "**Appearance as licensee prohibited.** After adoption of rules by the board implementing sections 148B.29 to 148B.39, no individual shall be held out to be a marriage and family therapist unless that individual holds a valid license issued under sections 148B.29 to 148B.39."

110. The words, "held out to be," in Minnesota Statutes, section 148B.32, subdivision 2, are vague and could be interpreted in a number of different ways.

111. One of the purposes of rulemaking is to provide clarity to the governing statute where clarity is needed.

112. The Board, in defining what the words, "held out to be," mean through subparts 1, 2, and 3 of part 5300.0110, and by listing the titles which are prohibited in part 5300.1020 (please see paragraph 19 for the changes made), enjoins the Board from making discretionary decisions about what the words, "held out to be," mean; and thereby ensures applicants and licensees of due process and equal protection, and protects the public by giving specific examples of violations of the law.

113. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

REQUIREMENTS FOR LICENSURE

114. Ms. Mizuno recommends deletion of item D in subpart 1 of part 5300.0130. She states that it doesn't matter whether an applicant agrees or doesn't agree to abide by the Board's Code of Ethics because the applicant, when licensed, must abide or be disciplined. Ms. Mizuno also recommends deletion of item E in subpart 1 of part 5300.0130. She states that, because an exam is waived during the transition period, this item should be included the Board's permanent rules instead.

115. Minnesota Statutes, section 148B.33, subdivision 1, clause (6), relating to requirements for licensure, states that an applicant for a license shall furnish evidence that the applicant, "will agree to conduct all professional activities as a licensed marriage and family counselor in accordance with a code of ethics for marriage and family therapists to be adopted by the board." (emphasis supplied). Thus, item D in subpart 1 of part 5300.0130 is needed in the proposed rules as a requirement for licensure.

116. Even if item D in subpart 1 of part 5300.0130 was not a statutory requirement for licensure, item D is useful in the proposed rules because it solidifies and "drives home" to the licensed applicants, the obligation of knowing and conforming to the Code of Ethics, thereby protecting the public to a much higher degree than if this item was deleted.

117. Item E in subpart 1 of part 5300.0130, requiring applicants to pass an exam, must be included in the proposed emergency rules, just in case the emergency rules are still in effect after the transition period ends. The transition period ends 6/30/89. The proposed emergency rules are effective for 180 days after adoption. However, if permanent rules are not adopted by the end of the first 180 day period, the Board may petition the Attorney General for an extension of the effective date of the emergency rules; for an extension of not more than 180 days. If the Board's permanent rules are not adopted by 6/30/89, and if the Board is granted an extension of the effective date of the emergency rules; Item D, as well as other rules relating to requirements and procedures in effect after the transition period, are necessary.

118. By including rules which will take effect after the transition period in the emergency rules now, the Board gives advance notice to the public and to potential applicants about licensure requirements and procedures, and thereby, protects the public more so than if the Board deleted these rules.

119. The Board chooses not to modify the rules in accordance with these comments. The proposed language is reasonable, consistent with the governing statute, and within the Board's statutory authority.

EDUCATIONAL REQUIREMENTS

120. Ms. Mizuno states that subpart 3 of part 5300.0140 exceeds the Board's statutory authority. She states that the Board's governing statute only allows the Board to waive an exam.

121. Minnesota Statutes, section 148B.33, subdivision 1, clauses (5) (i) and (5) (ii) relating to requirements for licensure, states that an applicant for a license shall furnish evidence that the applicant, "has completed a master's or doctoral degree in marriage and family therapy from a program in a regionally accredited educational institution or from a program accredited by the commissioner on accreditations for marriage and family therapy education of the American association for marriage and family therapists; or(ii) has completed a master's or doctoral degree from a regionally accredited educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in clause (5) (i)." (emphasis supplied).

122. An applicant for a marriage and family therapy license, if he/she cannot meet the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (i), may establish coursework equivalency according to Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (ii). The Board, in the proposed rules, allows an applicant to meet the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (ii) by complying with subpart 2 of part 5300.0140, coursework equivalency established through a specific curriculum; or by complying with subpart 3 of part 5300.0140, coursework equivalency established by having obtained at least a master's degree in the particular subject fields listed. Subpart 3 is effective only during the transition period because during the transitional period, the Board is likely to be presented with a wide diversity of educational backgrounds from individuals seeking licensure who have been practicing marriage and family therapy before licensure was required.

123. Subpart 3 of part 5300.0140 takes into consideration, those marriage and family therapists who have been practicing marriage and family therapy in excess of 10 years, but who may find difficulty in meeting the qualifications of licensure because they did not graduate with a master's or doctoral degree in marriage and family therapy, or because they cannot establish equivalency through the specific curriculum set out in subpart 2.

124. Subpart 3 of part 5300.0140 was intended by the Board to provide licensure for those marriage and family therapists who have been practicing competently and successfully for a considerable amount of time, but whose academic training was not as curriculum-specific as subpart 2, nor within a marriage and family therapy program -- both of which, some 10 or 15 years ago, were not widely available, and even absent, in some states.

125. The Board, in order to fulfill its legislative, licensing mandate, and in order to protect the public by licensing and regulating individuals who practice marriage and family therapy, included subpart 3 of part 5300.0140 in the proposed rules so that the Board could objectively respond to the great diversity of academic credentials presented by those desiring licensure during the transition period. In order to avoid arbitrary and capricious decisions by the Board regarding coursework-equivalent degrees, the Board has listed specific subject fields from which the degrees must be obtained.

126. The Board determined the particular subject fields listed in subpart 3 by: (1) considering the specific licensed or certified professions/occupations exempt from the license requirement in Minnesota Statutes, section 148B.38, subdivision 1, and then determining the particular subject fields from which these professions/occupations derived; (2) considering the subject fields from which master's degrees were obtainable 10 - 15 years ago, and then matching those subject fields with the subject fields determined in (1), above; and (3) looking at the laws and rules of other states who license marriage and family therapists, to see what they accept as equivalent degrees for licensure.

127. Examples of what other states accept as equivalent marriage and family therapy degrees are as follows:

Connecticut:	Psychology, social work, pastoral counseling, psychiatric or mental health nursing [Administrative Regulations relating to Marriage and Family Therapist Certification; Sec. 20-195a-2 (b) (1) to (4)]
Florida:	Master's degrees with a major emphasis in marriage and family therapy, psychology; clinical emphasis in marriage and family therapy, psychology, clinical social work, or mental health counseling [Rules of the Department of Professional Regulation and Psychological Services, 21 U-500.10, (3) (b) 1]
North Carolina:	(Accepted only during the state's transition period) - Master's degrees in an allied mental health field. A person also meets the necessary educational qualifications for certification as a marriage and family therapist if the person is a member of the

clergy or a physician whose official transcripts establish completion of an appropriate course of study in an allied mental health field. [North Carolina Marital and Family Therapy Certification Act, Article 18C, section 90-270.53 (1) (a)]

South Carolina: Master's degrees which are primarily marital and family therapy in content. [Professional Counselor, Associate Counselor, and Marital and Family Therapist Licensing Act, Chapter 75 of South Carolina Laws, Section 40-75-100 (c)]

Utah: Master's degrees in a field of study where there has been an emphasis in human behavioral studies, or a graduate degree in a field of religious study. [Utah Code Annotated, Title 58, Chapter 39, Utah Code Annotated]

Georgia: Master's degrees in professional counseling, social work, medicine, psychiatric nursing, applied psychology, pastoral counseling (including divinity and theology), applied child and family development, or sociology (additional courses are required to be completed with the above-listed degrees after the state's transition period ends). [Rules of Georgia Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists, Chapter 135-5, 135-5-.01 (a) 1 and 2]

New Jersey: Master's degrees in social work, marriage or pastoral counseling, psychology, sociology of the family, family life-education or another field of study in a closely allied field, or a doctor of medicine. [Laws of New Jersey, C.45:B-15 (a)]

Michigan: Master's degree in social work or marriage or pastoral counseling. [Michigan Laws, Article 15, Section 1505 (c)]

128. Social work, psychology, medicine, psychiatric nursing, pastoral counseling, divinity or theology, human development, applied child and family development, counseling, and sociology are all equivalent educational degrees accepted by other states which license marriage and family therapists. Human development and sociology, in particular, were the master's degrees granted 15 years ago instead of a master's degree in social work which was nonexistent or not readily available at that time. The Board included a master's degree from the field of family social science in subpart 3, because this is the degree granted from the Marriage and Family Therapy Program at the

University of Minnesota. The Board included a master's degree from the field of anthropology in subpart 3, because the Board determined that anthropology is a field of study where there is an emphasis in human behavioral studies. The field of anthropology researches and studies different styles of family life and interrelationships within family subsystems of different cultures. An individual in anthropology assesses and understands how individual family members affect the function or dysfunction of the family as a whole. The Board included a master's degree from the field of criminal justice because an individual who has a master's degree from this field could be doing marriage and family intervention. This field recognizes the effect of an individual offender's family life in relation to that offender's behavior. The coursework of a master's degree in criminal justice includes analysis between the nature of the offender's behavior and the impact of the offender's family functions or dysfunctions on that behavior. Criminal Justice includes the study of the behavior of the offender as that behavior relates to society, the criminal justice system, and the offender's family group. Also, probation officers, who work in the criminal justice system, are one of the listed professionals in Minnesota Statutes, section 148B.38, subdivision 1, who are exempt from needing a license in order to do work of a marriage and family therapy nature.

129. If an individual establishes course work equivalency according to Minnesota Statutes, section 148B.33, subdivision 1, clause (5) (ii), by complying with subpart 3 of part 5300.0140, that individual must also prove satisfactory completion of supervised experience requirements in marriage and family therapy from a Board approved supervisor, before that individual will be approved for licensure.

130. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

EXPERIENCE REQUIREMENTS

131. Ms. Mizuno recommends increasing the hours of supervisory experience in subpart 6 of part 5300.0150, to reflect full-time employment.

132. For discussion of the Board's justification for the experience requirements as proposed, and the statutory authority supporting this justification, please see paragraphs 100 to 103.

133. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is reasonable, consistent with the governing statute, and within the Board's statutory authority.

REQUIREMENTS FOR SUPERVISOR

134. Ms. Mizuno recommends deleting subpart 1 of part 5300.0160, stating that this subpart does not apply during the transition period.

135. For a discussion of the Board's reasons for including rules relating to requirements and procedures that take effect after the transition period in the proposed emergency rules, please see paragraphs 117 and 118.

136. The Board chooses not to modify the proposed rules in accordance with this comment. The proposed language in the rules is reasonable and necessary.

LICENSURE PROCESS
PROCEDURES FOR ADMISSION TO EXAM
PROCEDURES FOR ADMISSION TO LICENSURE
CONCURRENT APPLICATIONS
EXAMINATION METHODS
RENEWAL OF LICENSE
FAILURE TO RENEW
REINSTATEMENT OF LICENSE
CONTINUING EDUCATION REQUIREMENTS

137. Ms. Mizuno recommends deletion of these parts on the grounds that they will not take effect until after the transition period, when permanent rules are adopted.

138. For a discussion of the Board's reasons for including rules relating to requirements and procedures taking effect after the transition period in the proposed emergency rules, please see paragraphs 117 and 118.

139. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable and necessary.

CODE OF ETHICS

140. Ms. Mizuno recommends better organization of the Code of Ethics as proposed, in order to promote comprehension of various concepts (ie. include all references to sexual contact/harassment in one paragraph); and she recommends parallel construction (ie. addressing specific conduct which the licensee must or must not engage in). Ms. Mizuno also recommends deletion of the preambles in the Code of Ethics. She states that the preambles are niceties that do not promote comprehension nor enhance the Board's enforcement powers because they are not enforceable.

141. The organization of the Code of Ethics was determined by the Board with ease of comprehension in mind. Ms. Mizuno is the only individual who submitted a comment stating a possibility of comprehension difficulties with the Code of Ethics as proposed.

142. Regarding the difficulty of enforcement of the preambles in the Code of Ethics: Ease of enforcement is not a principle test by which ethical codes for regulatory agencies are established, so long as the language is not vague or over-broad.

143. The Board chooses not to modify the proposed rules in accordance with these comments. The proposed language in the rules is reasonable.

CONCLUSIONS

1. The Board published and served timely and adequate notice of the intent to adopt the proposed emergency rules.

2. The Board has demonstrated its statutory authority to adopt the proposed emergency rules and has fulfilled all other substantive and procedural requirements of statute and rule.

3. The changes that are being made in the emergency rules do not result in emergency rules that are substantially different than what was proposed in the State Register.

4. Any findings which might properly be termed conclusions and any conclusions which might properly be termed findings are hereby adopted as such.

ORDER

NOW THEREFORE, IT IS ORDERED that the rules identified as Proposed Emergency Rules Relating to Marriage and Family Therapy, as modified, are adopted this 23rd day of November, 1988, pursuant to authority vested in the Board of Marriage and Family Therapy by Minnesota Statutes, section 148B.171.

Deborah L. Mancheski

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy

November 23, 1988
Date

November 7, 1988

TO: Deborah Mancheski, Executive Director
Board of Marriage and Family Therapy

FROM: Lois E. Mizuno, Executive Director Lois E Mizuno
Boards of Psychology and Podiatric Medicine

RE: Proposed Emergency Rules

The following comments represent my own personal opinions. I have not been requested by the Board of Psychology to comment on the proposed emergency rules, primarily because the press of other business has prevented an in depth explanation of the proposed emergency rules which would have permitted a Board response. However, both the members of the Board of Psychology and the Board's counsel will receive copies of these comments. My comments result from over seven years of experience as Executive Director of the Board of Psychology, which has included the proposal and adoption of comprehensive rule amendments in 1982 and the proposal of equally comprehensive rule amendments in 1988, which have not yet been adopted.

INTRODUCTION

The purpose of emergency rules is to allow a new agency to function in the period between creation of the agency by legislative action and the adoption of permanent rules. As such, emergency rules should not address agency functions which will not be invoked until after the interim period, because to do so causes confusion and may make desirable changes in those functions more difficult when adopting permanent rules. Rules, whether emergency or permanent, should not incorporate statutory provisions unless there is a specific, compelling reason to do so, and should not paraphrase statutory provisions. Incorporating statutory language clutters up the rules without (usually) adding anything to comprehension, and paraphrasing statutory language has a tendency to confuse the meaning and may in fact result in effects not intended by the legislature. Finally, rules must not exceed the agency's statutory authority. Generally speaking, the following comments are directed toward those proposed emergency rules which appear to fall into one of the above categories.

5300.0110. [Emergency] LICENSE REQUIREMENT.

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Office of Social Work / Mental Health Board

This rule as written appears to exceed the Board's statutory authority. It prohibits anyone not licensed by the MFT Board from engaging in marriage and family therapy practice and advertising the performance of such services. Minn. Stat. S 148B.38 specifically exempts qualified members of other licensed or certified professions from licensure by the Board of Marriage and Family Therapy for doing work of a marriage and family therapy nature, while Minn. Stat. S 148B., Subd. 2, prohibits use of the title "marriage and family therapist". It seems to be clear that the statute provides title protection but not practice protection. This rule provides practice protection.

This rule must be considered together with rule 5300.0120, which purports to exempt other qualified licensed or certified professionals from the provisions of part 5200.0110. However, the qualifier "so long as they do not represent themselves by a title denoting marriage and family therapy" makes the exemption suspect.

Taken together, the two parts seem to say that, for example, a psychologist licensed by the Board of Psychology cannot provide marriage and family therapy to clients and cannot advertise in any way the provision of marriage and family therapy to clients. "Advertising" would seem to include the statement to the Board of Psychology of one's competence in the area of marriage and family therapy, which is required by Psychology Board rule. (Marriage and family therapy is and has been for a long time a legitimate field of practice within the profession of psychology.) This interpretation results from the use of the word "therapy" instead of "therapist" in part 5300.0120.

It seems obvious to me that the legislation clearly did not intend that a pscyhologist duly licensed under the Psychology Practice Act who has competence by virtue of education and training to provide marriage and family therapy must also be licensed as a marriage and family therapist. Dual licensure serves no public protection function, which should be the only reason to enact licensure laws.

If in both parts the word "therapy" is changed to "therapist" to make the parts conform to law, then neither part needs to be included in the emergency rules, because they then become paraphrases of statutory language. If it is argued that the rule prohibits advertising and the statute does not, I submit that the words "held out to be" in Minn. Stat. S 148B.32, subd. 2, is sufficient to prohibit advertising that one is a "marriage and family therapist" unless one is licensed by the Board of Marriage and Family Therapy.

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Office of Social Work / Mental Health Board

I recommend that both parts 5300.0110 and 5300.0120 be deleted.

5300.0130 [Emergency] REQUIREMENTS FOR LICENSURE

I recommend deletion of Clause D on the ground that whether an applicant agrees or doesn't agree to conform his/her practice to the code of ethics, the applicant when he/she becomes a licensee must conform or be subject to disciplinary action by the Board. Minn. Stat. S 148B.37, clearly provides the Board with authority to discipline for violation of the code of ethics.

I recommend deletion of Clause E on the ground that no applicant will be required to pass an examination during the interim period until permanent rules are adopted (no later than one year after adoption of emergency rules), because of the provisions of Minn. Stat. S 148B.34. This clause properly belongs in the permanent rules.

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS.

It appears to me that subpart 3 clearly exceeds the Board's statutory authority. The subpart seems to say that during the transition period the provisions of subpart 2 are met by a master's degree in one of the listed subject fields, without having to demonstrate completion of the coursework required in subpart 2. Minn. Stat. S 148B.34 provides a waiver of the examination. It does not permit the Board to waive any other licensure requirements, nor to set a lower education standard for licensure during the interim period.

In addition to the subpart being clearly outside the Board's statutory authority, it negates the purpose of a licensure law - the protection of the public. Items F, K, L, and M bear no relationship whatsoever to the broad field of mental health. To license a person with a degree in one of these subject fields, without that person having to demonstrate any degree of competence in marriage and family therapy, either through appropriate course work or passing an examination in the field of marriage and family therapy, is to undermine, if not destroy, the degree of professionalism that licensure generally implies. The public will only be harmed if such a person is granted licensure to engage in the private practice of marriage and family therapy.

This part can be repaired by deleting subpart 2.

5300.0150 [Emergency] EXPERIENCE REQUIREMENTS.

The first comment regarding this part relates to style. It seems to me that Subpart 1 would be improved if it

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Office of Social Work / Mental Health Boards

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 9, 1988

Lois E. Mizuno, Executive Director
Boards of Psychology and Podiatric Medicine
2700 University Avenue West
Suite 101
St. Paul, Minnesota 55114

Dear Ms. Mizuno:

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their November Board meeting. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DLM/lj

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Carbonless WilsonJones® SNAP-A-WAY® FORMS

Speed Letter®

To Deborah Mancheski

From Lois E Meyers

Subject Proposed Emergency Rules

—No. 9 & 10 FOLD

MESSAGE

attached are my comments on your proposed rules. I want you to know that my reason for making many of the comments is to keep you and your Board from inadvertently allowing unqualified persons to be licensed and thereby harming the public and causing horrible headaches for yourselves Date 11/8/88 Signed Lois

REPLY

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NOV 08 1989

—No. 9 FOLD

—No. 10 FOLD

Office of Social Work / Mental Health Boards

Date Signed

WilsonJones
44-902 3-PART PRINTED IN U.S.A.
Carbonless

RECIPIENT—RETAIN WHITE COPY, RETURN PINK COPY

November 30, 1988

TO: Office of the Attorney General

FROM: Lois E. Mizuno, Executive Director
Boards of Psychology and Podiatric Medicine

RE: Proposed Emergency Rules
of the Board of Marriage and Family Therapy

INTRODUCTION

The following comments represent my own personal opinions. I have not been requested by the Board of Psychology to comment on the proposed emergency rules, primarily because time constraints and the press of other business has prevented an in depth explanation of the proposed emergency rules which would have permitted an official Board response. However, both the members of the Board of Psychology and the Board's counsel will receive copies of these comments. My comments result from over seven years of experience as Executive Director of the Board of Psychology, which has included the proposal and adoption of comprehensive rule amendments in 1982 and the proposal of equally comprehensive rule amendments in 1988, which have not yet been adopted.

5300.0110. [Emergency] LICENSE REQUIREMENT.
5300.0120. [Emergency] EXCEPTIONS TO LICENSURE REQUIREMENT.

The Board's amendments to these rule parts correct my original objections to the text concerning the Board exceeding its statutory authority in prohibiting anyone licensed by another Board from practicing marriage and family therapy. However, it was not until these comments were prepared for the Attorney General that an equally serious objection surfaced: Both rules purport to regulate the conduct of individuals who are outside the jurisdiction of the Board, that is, individuals not licensed by the Board. As such, the parts are unenforceable and do not meet the Attorney General's standards of review: the rules, by their terms, cannot have the force and effect of law.

I recommend that both rule parts be deleted. Minnesota Statutes, sections 148B.32 and 148B.38 are sufficient guarantees against unlicensed individuals practicing marriage and family therapy or holding themselves out to be marriage and family therapists.

5300.0140 [Emergency] EDUCATIONAL REQUIREMENTS.

It appears to me that subpart 3 clearly exceeds the Board's statutory authority. It is clear from the Board's amendment to subpart 4 that during the transition period the provisions of subpart 2 are met by a master's degree in one of the listed subject fields, without having to demonstrate completion of the coursework required in subpart 2. Minn. Stat. S 148B.34 provides a waiver of the examination during the transition period. It does not permit the Board to waive any other licensure requirements, nor to set a lower education standard for licensure during the interim period. The subpart, therefore, does not meet the Attorney General's standards of review.

In addition to the subpart being outside the Board's statutory authority, it is counter-productive to the purpose of a licensure law - the protection of the public. Items F, K, and M bear little or no relationship to the definition of marriage and family therapy found in Minnesota Statutes, section 148B.29, subdivision 3. Note that the Board distinguishes between "pastoral counseling" and "divinity or theology"; it is in keeping with the Board's distinction that item F is included here.

The Board's stated reasons for not deleting or amending this subpart (paragraphs 120 - 130 of the Findings of Fact, conclusions, and Order Adopting Emergency Rules) do not substantiate the Board's assertion that the Board is not exceeding its statutory authority or that the subject fields included in the subpart provide reasonable protection for the public. Specific comments by paragraph follow.

121. The Board is correct that it has statutory authority to license individuals with degrees in related fields for which course work is considered by the Board to be equivalent to a degree in marriage and family therapy. The Board, however, has no statutory authority to set different educational standards for individuals licensed during the transition period from educational standards for those licensed after the transition period.

122. The Board's statement that subpart 3 is effective only during the transition period because of the Board being presented with a wide diversity of education backgrounds may be true, but the statement can equally be applied to the post-transition period. It is also true that individuals with widely diverse backgrounds may have been practicing what they call marriage and family therapy for years. However, years of practicing a profession which is unregulated is no guarantee of competence in that practice. Minimum competence to practice marriage and family therapy

must be demonstrated by an educational background which provides coursework equivalent to a marriage and family therapy degree. This subpart 3 does not do.

123. The Board cites the special problems of marriage and family therapists who have been practicing in the field for 10 years or more but who cannot establish the equivalency of subpart 2. The comments re paragraph 122 above also apply here. In addition, where in the rules does the requirement appear that an individual must have been in practice 10 years in order to be licensed? That requirement appears only in part 5300.0160, requirements for supervisor.

124. While it is true that marriage and family therapy as a separate profession or degree program has existed for a relatively short period of time, related coursework was available through other departments/programs, such as the various psychology programs, sociology (forerunner of social work), counseling, counseling, counselor education, etc. For this reason, it appears reasonable to apply subpart 2 to applicants during the transition period as well as during the post-transition period.

125. The Board can best avoid arbitrary and capricious decisions regarding educational qualifications of applicants by applying the provisions of subpart 2 to everyone who applies. Indeed, by implication the Board is saying here that its decisions vis-a-vis subpart 2 may be arbitrary and capricious. I trust that this will not be the case.

127, 128. The examples from other states do not support the inclusion of anthropology and criminal justice among the degrees permitted by subpart 3 to meet the education requirements of the law. Anthropology means the study of man. That study may include a study of the body and mind of humans and their inter-relationships, but it need not do so. The 1984-85 graduate catalogue of the University of Minnesota lists 36 courses with descriptions under the heading "Anthropology". Only two of those are reasonably related to the practice of marriage and family therapy. That means an applicant with a master's or doctoral degree in Anthropology from the University of Minnesota could not come close to meeting the requirements of subpart 2 unless extra courses in other departments were added to the student's program. It can be conceded that workers in the criminal justice system can and do provide counseling to criminal offenders, it is stretching it to equate that counseling with therapy based upon a knowledge of the principles, theories, and/or therapy techniques related to dysfunctional families.

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

December 2, 1988

Ms. Julie Leppink
The Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
Saint Paul, MN 55155
Telephone: (612) 296-9715

Dear Ms. Leppink:

This transmittal letter is to inform you that the Board of Marriage and Family Therapy is formally withdrawing their emergency rules as reviewed by Robert Holley of the Attorney General's Office.

If you have any questions, please feel free to call me at 643-2586.

Sincerely,

Deborah L. Mancheski

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DM/lj

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

December 5, 1988

Ms. Julie Leppink
The Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
Saint Paul, MN 55155
Telephone: (612) 296-9715

Dear Ms. Leppink:

This Transmittal letter is to inform you that the Board of Marriage and Family Therapy is formally resubmitting their proposed emergency rules as reviewed by Robert Holley of the Attorney General's Office.

If you have any questions, please feel free to call me at 643-2586.

Sincerely,

Deborah L. Mancheski

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DM/lj

Enc: Supplemental Findings of Fact, Conclusions, and Order Adopting the Emergency Rules
Supplemental Certificate of Resolution Adopting Emergency Rules
Four Copies of the rules as adopted
Notice of Submission to Attorney General
Affidavit of Mailing the Notice

****** ALL CHANGES REFER TO EMERGENCY RULES DRAFT, DATED 10/10/88

BOARD OF MARRIAGE AND FAMILY THERAPY MODIFICATIONS TO THE PROPOSED RULES

Place of Change	Summary of Change
Page 5, Line 35	Change "and" to "or"
Page 13, Line 11 Item D	Take out "Applicant's Clinical Practice Skills,"
Page 16, Line 2	Change "and" to "or"
Page 18, Lines 24 & 25	Delete "corresponding with the licensee's license renewal date" and add to line 24, "by December 31st" every year.
Page 25, Line 23	Change "application" to "petition" for a variance.
Page 27, Line 16	Add: "employees". Should read: "between the therapist and students, employees, or supervisees is prohibited."
Page 29, Line 24	Change "therapists" to "therpist's" (apostrophe added)
Page 25, Line 26	Change "reapplication" to "petition for a renewal of the" variance.
Page 33, Lines 25 & 26	Cross out the EFFECTIVE DATE

RULES COMMENT SUMMARY SHEET

PERSON	SUMMARY OF COMMENT
Dominic Sposeto Dominic Sposeto & Associates 10/19/88	5300.0120 - Exemption from license requirement is ambiguous. Wants this part of the rules to read broader, exempting the list of professions from all the rules.
Sister Mary Madonna Ashton MN Department 10/19/88	Wants the Board to require that a designated number of contact hours in continuing education, necessary to meet mandatory licensure requirement, be in the area of HIV.
Sherman Nelson, Ph.D. Mpls. Clinic of Neurology, Ltd. 11/9/88	Suggests a broader exemption in 5300.0120 - Exemption from license requirement, to exempt the listed professions from the entire rules (ie. 5300.0100 to 5300.0360). ********** Also states that the title protection part of the law is ambiguous; not sure which titles are prohibited.

RULES COMMENT SUMMARY SHEET: PAGE TWO

PERSON	SUMMARY OF COMMENT
William Doherty, Ph.D. Director Marriage & Family Therapy Program U of M 11/8/88	"Post-degree" not clearly identified as post-masters or post-doctorate. If the experience requirement is the same for Ph.D. students as for master's students, then Ph.D. students are being penalized for pursuing a Ph.D. ********** 100 hours of supervision is short of the 200 hours of supervision AAMFT requires. Wonders about the inconsistency with national standard and about reciprocity problems.
Mary Beth Curry MN Hospital Association 11/9/88	MHA believes that the exempted professionals in the statute should be able to use the title "marriage and family therapist" within the confines of the hospital, but not outside the hospital. (Thinks hospital social workers are exempt in M.S., Section 148B.38, subd. 1).
James Maddock, Ph.D. Associate Professor Family Social Science U of M 11/10/88	Establishing equivalency of coursework may be extremely difficult for those who did not graduate from an MFT program. Wants a generic equivalent of some kind to invoked during the transition period (during which the Board will be faced with a great diversity of credentials). ********** Suggests AAMFT membership as evidence of equivalency.

PERSON	SUMMARY OF COMMENT
Dennis Anderson President MN Psychological Association 11/10/88	Thinks psychologists licensed by the Board of Psychology should be able to represent themselves to the public and advertise that they are marriage and family therapists. Mentions original sections of the enabling legislation in support of his position. Says that this title prohibition restricts the rights of licensed psychologists to practice.
William Percy Past-President UMAMFT 11/15/88	EQUIVALENT EDUCATION DEGREES Keep the equivalent human services related master's degrees (but delete anthropology, sociology, and criminal justice); and delete the equivalent degree curriculum, putting it in later, in the permanent rules. ********** EXPERIENCE REQUIREMENTS For consistency and clarity, delete term "counseling" in subparts 5 & 6 of part 5300.0150; and replace with "marriage and family therapy experience"--shouldn't use term "counseling" without defining it. ********** Rewrite "a minimum of 1000 hours of experience for a minimum of 2 years" to this: "a minimum of 1000 hours of direct client contact per year for a minimum of 2 years." This would be full-time experience. ********** REQUIREMENTS FOR SUPERVISOR Change hours of experience needed for supervisors to reflect change in hours of experience for licensees. ********** Instead of requiring supervisor to provide evidence of training in supervision, change it to evidence of of training in <u>psychotherapy</u> supervision.

PERSON	SUMMARY OF COMMENT
William Percy (continued)	EXPERIENCE REQUIREMENTS (cont.) Wants "post graduate" changed to "postmaster's" deree in subpart 1 of part 5300.0150.
Lois Mizuno Executive Director MN Board of Psychology 11/8/88	Please see attached sheets.

Person	Summary of Comment
Lois Mizuno Executive Director Board of Psychology 11/8/88	INTRODUCTION Mizuno doesn't think the Board should address what will happen after the transitional period in its emergency rules. Mizuno states that the Board should not incorporate statutory language in its emergency rules. Mizuno states that emergency rules should not exceed the Board's statutory authority. LICENSE REQUIREMENT Mizuno states that the statute is only a title protection statute, not a practice protection statute. Thus, part 5300.0110, exceeds the Board's statutory authority. Mizuno states that the words, "so long as they do not represent themselves by a title denoting marriage and family therapy" in part 5300.0120, is a qualifier to part 5300.0110--these words make part 5300.0120 suspect. She says these two parts taken together seem to say that licensed psychologists cannot advertise the provision of marriage and family therapy services. Mizuno seems to suggest a change of wording from "therapy" to "therapist." She says that without this change, the rules seem to require dual licensure for a psychologist licensed by the Board of Psychology if a psychologist wants to practice marriage and family therapy. She says that such a dual licensure requirement would not protect the public. Mizuno states that if <u>therapist</u> is really meant by the word, "therapy," and if the word, "therapist" is used instead, then parts 5300.0110 and part 5300.0120 do not need to be in the rules because the words,"held out to be," in the statute , are sufficient words to prohibit advertising as a marriage and family therapist. Mizuno recommends that part 5300.0110 and part 5300.0120 be deleted from the rules.

Person	Summary of Comment
Lois Mizuno (Continued)	REQUIREMENTS FOR LICENSURE Mizuno recommends deletion of Clause D in subpart 1 of part 5300.0130, on the basis that it doesn't matter whether an applicant agrees or doesn't agree to abide by the Code of Ethics because the applicant, when licensed, must abide or be disciplined. Mizuno recommends deletion of Clause E in subpart 1 of part 5300.0130 because an exam is waived during the transition period. She says that Clause E should be put in the permanent rules. EXPERIENCE REQUIREMENTS Mizuno suggest a re-wording of subpart 1 of part 5300.0150, in order to sound clearer. Mizuno recommends defining "counseling" as marriage and family counseling or marriage and family therapy. Mizuno recommends increasing the hours of supervised experience in subpart 6 of part 5300.0150, to reflect full-time employment. REQUIREMENTS FOR SUPERVISOR Mizuno recommends deleting subpart 1 of part 5300.0160, stating that this subpart doesn't apply during the transition period. Mizuno states that the Board could leave subpart 2 of part 5300.0160 in, if the hours of experience are increased and the degrees mentioned in subpart 3 of part 5300.0140 are not accepted as equivalent marriage and family therapy degrees. LICENSURE PROCESS PROCEDURES FOR ADMISSION TO EXAM PROCEDURES FOR ADMISSION TO LICENSURE CONCURRENT APPLICATIONS Mizuno recommends deleting these parts because they will take effect after the tranistion period--they should be included in the permanent rules.

Person	Summary of Comment
Lois Mizuno (Continued)	LICENSURE PROCESS, TRANSITION PERIOD If the above parts are deleted, Mizuno recommends rewriting this part to incorporate the pertinent language of the above parts. EXAMINATION METHODS RENEWAL OF LICENSE FAILURE TO RENEW REINSTATEMENT OF LICENSE CONTINUING EDUCATION REQUIREMENTS Mizuno recommends deletion of these parts on grounds that they will not take effect until after permanent rules are adopted. CODE OF ETHICS Mizuno refers to an incorrect internal refernce in subpart 5 of part 5300.0350. Subpart 5, items "C" or "J," should read, items "D" or "K." Mizuno recommends better organization of the Code to promote comprehension of various concepts of the Code (ie. include all references to sexual contact/harassment in one paragraph), and recommends parallel construction (ie. addressing specific conduct which the licensee must or must not engage in). Mizuno recommends that the preambles in the Code of Ethics be deleted. She states that the preambles are niceties that do not promote comprehension nor enhance the Board's enforcement powers because they are not enforceable.

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 9, 1988

William J. Doherty, Ph.D., Director
Marriage and Family Therapy Program
University of Minnesota
Family Social Science
290 McNeal Hall
1985 Buford Avenue
St. Paul, MN 55108

Dear Dr. Doherty:

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their November Board meeting. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DLM/lj

UNIVERSITY OF MINNESOTA
TWIN CITIES

Family Social Science
290 McNeal Hall
1985 Buford Avenue
St. Paul, Minnesota 55108
(612) 625-1900

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Office of Social Work / Mental Health Boards

November 4, 1988

Deborah Mancheski, Esquite
Minnesota Board of MFT
2700 University Avenue West
St. Paul, MN 55114

Dear Deborah,

I am writing with comments on the Emergency Rules. My overall comment is: Congratulations! They are clear, logical, and written in actual English (instead of Engelese)!

I have just two areas of concern upon first reading of the rules. First concerns the definition of "post-degree" for the supervised experience requirement. As you know, we take post-masters degree students into our Ph.D. program in marriage and family therapy. By the time they finish the Ph.D., they are generally well on their way toward their 1,000 hours (we give 500 in the internship, and students have experience before entering the program and many work in MFT on the side during the program). If the 1,000 hours, 2 years requirement holds for Ph.D. students as well as M.A. students, then the former are penalized for pursuing the Ph.D. If I understand the rules correctly on this point, there is a strong disincentive for individuals to pursue a Ph.D. in a program such as ours. "Postgraduate" in a Ph.D. program, as I am sure you realize, can be delayed for years pending the completion of a disseration. Thus, a Ph.D. student with identical clinical experience to a masters graduate might have to wait an additional 3-4 years to be licensed. I am not certain that the emergency rules intend to create this problem, but if they do, I would like to object.

The second issue concerns the required hours of supervision. The 100 hour requirment is considerably short of the AAMFT requirement of 200 hours, and it seems inconsistent with the two-year requirement for clinical experience. Weekly supervision for two years is more likely to yield 200 hours than 100 hours. The larger number increases the consumer's confidence that the therapist is well-supervised, and is consistent with the national standard. I wonder if our licensees will have problems with reciprocity with other states because of lower supervision requirements.

I appreciate your hard work in formulating the emergency rules, and I hope that you and the Board are willing to rethink the two issues I have raised. Again, congratulations to you and the Board for a strong start.

Sincerely,

Bill

William J. Doherty, Ph.D., Director
Marriage and Family Therapy Program

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 9, 1988

Sherman E. Nelson, Ph.D.
Minneapolis Clinic of Neurology, Ltd.
Golden Valley Main Office
4225 Golden Valley Road
Minneapolis, MN 55422

Dear Dr. Sherman:

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their November Board meeting. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DLM/lj

THE MINNEAPOLIS CLINIC OF NEUROLOGY, LTD.

BURNSVILLE OFFICE
215 RIDGEVIEW MEDICAL BUILDING
BURNSVILLE, MINNESOTA 55337
TELEPHONE (612) 435-8516

COON RAPIDS OFFICE
209 MERCY HEALTH CARE CENTER
COON RAPIDS, MINNESOTA 55433
TELEPHONE (612) 427-8320

GOLDEN VALLEY MAIN OFFICE
4225 GOLDEN VALLEY ROAD
MINNEAPOLIS, MINNESOTA 55422
TELEPHONE (612) 588-0661

EDINA OFFICE
242 SOUTHDALE MEDICAL BUILDING
EDINA, MINNESOTA 55435
TELEPHONE (612) 920-7200

ST. LOUIS PARK OFFICE
W-414 MEADOWBROOK MEDICAL BUILDING
ST. LOUIS PARK, MINNESOTA 55426
TELEPHONE (612) 922-3317

November 8, 1988

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Office of Social Work / Mental Health Boards

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GLENNA M. SCHROEDER, Ph.D., L.C.P.
CHARLAINE J. SKEEL, M.A., L.P.

Deborah L. Mancheski, Esq.
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 25
St. Paul, Minnesota 55114

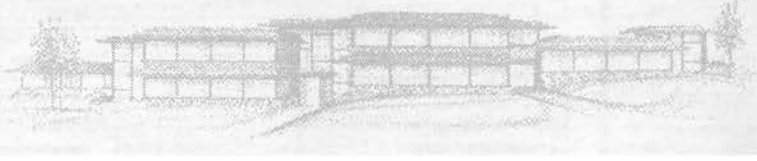
Dear Ms. Mancheski:

Thank you for your courtesy in providing me a draft of the emergency rules for the Board of Marriage and Family Therapy along with a copy of the Board's governing statute.

I was a member of the Ethics Committee for the Minnesota Psychological Association from 1958-1965. The majority of the complaints that we received at that time were from non-psychologist "quacks" who held themselves out to be psychologists. We had no legal leverage. Therefore, I am pleased that there will soon be additional protection for the public.

I do have a few concerns, however. The law grants an exemption to other appropriate licensed professions to avoid, I presume, a second regulation of an already regulated profession. (Thus, as a Licensed Consulting Psychologist, I have to meet a variety of requirements from the Board of Psychology). In the proposed emergency rules of the Board of Marriage and Family Therapy, however, only Part 5300.0120 is exempt for qualified individuals of other licensed professions. I would suggest that a broader exemption for already licensed professions from the entire rule, Parts 5300.0100 to 5300.0361, would be appropriate.

There also can be an ambiguity of the possible interpretation of the title protection part of the law. I have been a Licensed Consulting Psychologist in private practice for 32 years. Marriage and family therapy have been a part of the services that I have provided for many of those years. Would I now face a legal challenge if I distributed a brochure indicating that I offer marriage and family therapy services? Would I be not permitted to list my name in the Yellow Pages of the telephone book under the category of Marriage and Family Counseling? If The Minneapolis Clinic sponsored a workshop in which Haley or Minuchin would present, would The Minneapolis Clinic be forbidden from identifying them as marriage and family therapists?



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Office of Social Work / Mental Health Boards

If someone called The Minneapolis Clinic and asked for a marriage and/or family therapist, would my secretary not be allowed to make an appointment with me because this indicates a marriage and family therapist? These type of questions and concerns would be shared by many licensed psychologists and psychiatrists, and soon to be licensed social workers.

Thank you for your consideration about these concerns.

Sincerely,

Sherman E. Nelson, Ph.D.
Licensed Consulting Psychologist
THE MINNEAPOLIS CLINIC OF NEUROLOGY, LTD.

SEN/bjm:2

D:11/04/88
T:11/08/88

cc: Dennis Andersen, President
Minnesota Psychological Association
1500 Northway Drive, Suite 2
St. Cloud, Minnesota 56301

Donna Geck, J.D.
Legal Counsel
Minnesota Psychological Association
Arthur, Chapman, Michaelson, and McDonough
Tallmadge Building
1219 Marquette Avenue
Minneapolis, Minnesota 55403

Lois E. Mizuno, Executive Director
Minnesota Board of Psychology
2700 University Avenue West
St. Paul, Minnesota 55114-1095

Roland Peek, Laison
Board of Psychology to the Minnesota Psychological Assn.
10559 Grey Cloud Island Drive South
St. Paul Park, Minnesota 55071

William G. Strusinski, Executive Director
Minnesota Psychological Association
475 Rice Street
St. Paul, Minnesota 55103

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 1, 1988

Sister Mary Madonna Ashton
Commissioner of Health
Minnesota Department of Health
717 SE Delaware Street
Minneapolis, MN 55114

Dear Sister Mary Madonna Ashton

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their October and November Board meetings. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DLM/lj

minnesota department of health
717 s.e. delaware st. p.o. box 9441 minneapolis 55440
(612) 623-5000

October 25, 1988

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OCT 27 1988
Office of Social Work / Mental Health Boards

Ms. Debbie Mancheski
Executive Secretary
Board of Marriage and Family Therapy
Suite 225
2700 University Avenue West
St. Paul, Minnesota 55114

Dear Ms. Murphy:

Human immunodeficiency virus (HIV) infection has emerged as a very serious health problem in our country. It has been described by some as the number one health crisis facing America today. Already more than 74,000 Americans have been diagnosed with AIDS, and 900,000 to 1.4 million are thought to be infected with HIV. In Minnesota, 428 people have been diagnosed with AIDS. An estimated 10,000-30,000 Minnesotans who are infected with the virus will in all probability, develop HIV-related illnesses in future years.

Increasing numbers of mental health professionals will be called on to provide services to HIV-infected individuals. Already, 70 percent of the physicians surveyed by the Minnesota Department of Health had ordered an HIV antibody test, while 35 percent had seen at least one HIV-infected patient. In addition, mental health professionals will be called upon to counsel their clients who are engaging in behaviors that place them at risk for HIV infection.

The Minnesota Department of Health has attempted to provide up-to-date information on prevention, treatment, infection control and other HIV-related issues through articles and publications and through training seminars conducted in cooperation with the Minnesota Medical Association and other professional associations. While a number of mental health professionals have participated in these and other seminars, those who are most uncomfortable with HIV infection may be the least likely to voluntarily attend such sessions.

However, to ensure that the appropriate services are available for HIV-infected individuals, **all** health care and social service workers must be educated. The Presidential Commission on the Human Immunodeficiency Virus has recommended that states which require continuing education for licensure in health-related fields include information on HIV in such requirements.

To ensure that all marriage/family therapists become knowledgeable about various aspects of HIV infection, I am recommending that the Board of Marriage and Family Therapy require that a designated number of contact hours necessary to meet mandatory licensure requirements be in the area of HIV.

I would be glad to provide further clarification and assistance to you regarding this matter. Please call either Michael E. Moen (623-5363), Director, Division of Disease Prevention and Control, or myself if you would like our assistance in the implementation of this request.

Sincerely yours,

Sr. Mary Madonna

Sister Mary Madonna Ashton
Commissioner of Health

SMMA:DLB:mkg

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 9, 1988

Mary Beth Curry
Minnesota Hospital Association
2221 University Ave SE Suite 425
Minneapolis, MN 55414-3085

Dear Ms. Curry:

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their November Board meeting. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

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Office of Social Work / Mental Health Board

minnesota hospital association

representing nonprofit hospitals

November 7, 1988

Ms. Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
St. Paul, MN 55114

Dear Ms. Mancheski:

The Minnesota Hospital Association (MHA) represents 162 acute care community based hospitals throughout Minnesota. MHA would like to take the opportunity to express concern relating to the proposed emergency rules for the Minnesota Board of Marriage and Family Therapy.

The Board of Marriage and Family Therapy licensure law exempts social workers and other qualified professionals from licensure as marriage and family therapists (MN Statutes 148B.38). The law makes licensure voluntary for the categories of professionals specified. The proposed rule acknowledges this exemption from licensure in section 5300.0120, but prohibits exempt hospital social workers from using the title of marriage and family therapist when they offer these services within the hospital setting.

MHA believes that these exempted professionals should be allowed under the law to use the title of marriage and family therapist within the confines of the hospital. Outside the hospital, such individuals would not be permitted to represent themselves as marriage and family therapists, unless they were licensed.

To suggest in the rule that social workers providing marriage and family therapy in the hospital setting cannot call themselves marriage and family therapists is the equivalent of suggesting that attorneys practicing in the military at Fort Snelling cannot call themselves lawyers, because Fort Snelling is located in Minnesota and they are not admitted to the Minnesota bar. These lawyers cannot represent themselves to the public as attorneys, but they are entitled to call themselves attorneys within the scope of their practice setting. So too can hospital social workers doing marriage and family therapy not represent themselves to the public as marriage and family therapists if they are unlicensed. However, within the confines of their practice setting, they do have the lawful right to use the marriage and family therapist title. This clarification should be made in the rule.

MHA appreciates your consideration of these comments, and looks forward to working with you in the future.

Sincerely,

Mary Beth Curry

Mary Beth Curry
Research Analyst

MBC/al

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 10, 1988

James W. Maddock, Ph.D., Associate Professor
University of Minnesota
Family Social Science
290 McNeal Hall
1985 Buford Ave
St. Paul, Minnesota 55108

Dear Professor Maddock:

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their November Board meeting. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deb Mancheski, Esq

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DLM/lj

cc: Karen Irvin, M.A.
President, UMAMFT

UNIVERSITY OF MINNESOTA
TWIN CITIES

Family Social Science
290 McNeal Hall
1985 Buford Avenue
St. Paul, Minnesota 55108
(612) 625-1900

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NOV 10 1988
Office of Social Work / Mental Health Boards

7 November, 1988

Ms. Deborah L. Mancheski
Executive Director
Board of Marriage & Family Therapy
2700 University Avenue W. - #225
St. Paul, MN 55114

Dear Ms. Mancheski:

I am writing as a marriage and family therapist who has been involved in a number of committees and boards developing criteria and procedures for credentialing professionals. Overall, I believe that the Emergency Rules currently proposed are reasonable and workable, and the committee is to be congratulated for doing a good job on a complex task.

If I have read the rules correctly, I have one very serious concern that might affect me and others who received their training in therapy more than ten or fifteen years ago. Establishing equivalency of coursework during the transition period may be extremely difficult for those of us who did not graduate from an MFT program (which is most people prior to ten years or so ago). Psychology programs seldom offered much family coursework, and opportunities for clinical practica that were primarily family-oriented were rare (I was fortunate enough to obtain one, but many did not). For example, I believe that there are a number of people who, like myself, are long-time members of AAMFT, approved as supervisors, whose academic training was in psychology, social work, pastoral care, etc., but who in no way could prove equivalency in all of the specified areas: three courses in marital/family studies, etc.; three courses in marital/family therapy; a marital/family research course; a professional studies course; and a clinical practicum in MFT. These were simply not widely available, even absent in some states. Rather, such training was obtained in post-graduate workshops, attendence at annual conferences, special seminars (e.g. I was part of a peer supervision of supervision group in MFT because there weren't enough AAMFT Approved Supervisors in the state in the 1970's). I cite these examples not to make my own case, but to point to what I believe will be a great diversity of credentials presented to the Board during the transition period, and I wonder if this diversity has been anticipated. I recognize that this can become a logistical nightmare; however, I believe that there must be some way during the transition period for a kind of generic equivalency to be invoked, such as clinical membership in AAMFT. For example, I now teach the AAMFT-approved course in

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Office of Social Work/Mental Health Board

professional ethics in our Department, even though I have never taken such a course in an academic setting (I have instead taken formal training in philosophy and ethics, along with a variety of experiences on professional credentialing committees, and so on). I don't believe that my situation is totally unique. I can think of a number of fellow MFT's in this state who have diverse, interdisciplinary backgrounds, yet who represent our profession well and ought to be licensed by this Board, even though they may hold a license in psychology or medicine.

Perhaps I am reading into the statute some limitations that are not there. However, I decided that I would at least point out this issue as a potential source of trouble, both for myself and other practitioners and for the Board or credentials committee.

I would be glad to talk with you or members of the Board about this matter if you wish. Thank you for your attention to this issue.

Sincerely,

James W Maddock

James W. Maddock, Ph.D.
Associate Professor

cc: Karen Irvin, M.A.
President, UMAMFT

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 10, 1988

Dennis Andersen, President
Minnesota Psychological Association
475 Rice Street
St. Paul, Minnesota 55103

Dear Mr. Andersen:

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their November Board meeting. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deb Mancheski, Esq

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DLM/lj

cc: Board of Psychology
Senator Donna Peterson
Representative Lee Greenfield

MINNESOTA PSYCHOLOGICAL ASSOCIATION
475 RICE STREET
SAINT PAUL, MINNESOTA 55103
(612) 293-1873

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Office of Social Work / Mental Health Board

November 8, 1988

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West
Suite 225
St. Paul, Minnesota 55114

Dear Ms. Mancheski:

The Executive Council of the Minnesota Psychological Association met on November 7, 1988. One of the items discussed at that meeting was the Marriage and Family Board's proposed Emergency Rules. As a result of our discussion I am writing to express our opposition to certain sections of your proposed rules.

Specifically, we are concerned about those sections which appear to restrict the rights of psychologist's licensed by the Board of Psychology. We are of the belief that a Psychologist, licensed by the Board of Psychology, having demonstrated and certified to the Board that they are professionally competent in Marriage, Couple or Family Counseling, are clearly authorized to practice psychology without interference from any other Board.

While your proposed rules provide that psychologists need not be licensed by your board to practice, they would have to get a license from the Marriage and Family Therapy Board if they wish to continue to represent themselves to the public as marriage and/or family therapists. Such attempts to restrict the statutory and professional rights of psychologists are inappropriate, contrary to legislative intent, and certainly not necessary to protect the public. It is our firm belief that there is no need for a psychologists who are licensed by one state board to also seek a license from another in order to continue to advertise that they are marriage and family therapists.

The Minnesota Psychological Association, representing over 700 psychologists, did not oppose the creation of your board because we were assured by the legislation's advocates that the bill would not affect the practice of psychology. In fact, the original sections of the your enabling legislation which dealt with the issue of "who can practice and represent themselves to the public" was rejected by the legislature because it contained language which would have restricted the practice of psychologists and psychiatrists. Once the bill was amended and the current exclusion added, the bill went forward and was adopted.

By understanding the legislative history of this bill and properly interpreting the applicable sections you must conclude that, with respect to psychology, the status quo is to be maintained. The status quo includes the ability to advertise, or otherwise represent oneself to the public.

I sincerely hope the Marriage and Family Therapy Board will again review its proposed rules and eliminate all references which attempt to restrict a psychologist right to practice. If you would like to discuss this issue further, please contact me at 1-253-4321.

Sincerely,

Dennis Andersen

Dennis Andersen,
President

cc: Board of Psychology
Senator Donna Peterson
Representative Lee Greenfield

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Office of Social Work / Mental Health Board

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 17, 1988

William H. Percy, Ph.D.
Chair, Legislative Action and Advocacy Committee
UMAMFT
1409 Willow
Suite 400
Minneapolis, MN 55403

Dear Dr. Percy;

I have received your comments on the proposed emergency rules relating to marriage and family therapist licensure. I appreciate you taking the time to respond, and want to thank you for participating in the review process.

The Board of Marriage and Family Therapy will review comments received on the proposed emergency rules at their November Board meeting. All comments become part of the official rule making record, and will be sent to the Attorney General's office.

If you would like to receive notification of the submission of the emergency rules to the Attorney General's Office, please inform this office at the above address.

Thank you for your concern.

Sincerely,

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

DLM/lj

RECEIVED

NOV 15 1988

Office of Social Work / Mental Health Board

November 9, 1988

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
St. Paul, MN 55114

Dear Ms. Mancheski:

I write on behalf of the Legislative Committee of the Upper Midwest Association for Marriage and Family Therapy, to thank you for the opportunity to comment on the final draft of the Emergency Rules of the Board. I apologize for the late date of my comments, but the combination of a late meeting of our Legislative Committee and the press of other commitments have delayed me.

In general, we consider these Emergency Rules to be clear and comprehensive, and applaud the effort you and the Board have put into them. Our Legislative Committee members have heard -- both formally and informally -- of comments other professionals and professional groups are making about the Emergency Rules and I will try to mention our thoughts about those comments, as well as our own comments on the Rules.

In order to be clear, I will proceed to the various parts of the Rules in order.

5300.0110 [Emergency] License Requirement.
5300.0120 [Emergency] Exceptions to License Requirement
5300.0130 [Emergency] Requirments for Licensure

Recommend: no changes.

Some comments we have heard argue that these sections ought not be included because emergency rules should not incorporate statutory provisions. This seems to me a legal opinion which we lay persons not in the Attorney General's office are not qualified to render. In general, there is much concern among psychologists in the Minnesota Psychological Association and, apparently, Ms. Lois Mizuno, about the restriction of psychologists' advertising themselves as marriage and family therapists. (Ms. Mizuno, as Executive Director of the Board of Psychology, of course, is charged with carrying out Board policy to protect the public, not the psychologists, so I am not sure why she comments on this problem.) As you are aware, this problem arose in the legislative process when a last-minute amendment beyond our control eliminated language we had agreed upon with the MPA to allow psychologists to advertise provided that they have demonstrated competence in MFT with their Board. Consequently, the current situation -- which can be remedied by amending the statute -- is statutory and the Rules simply reflect that.

Ms. Mizuno recommends that 5300.0130 (D) be eliminated on the grounds that it is unnecessary since when an applicant becomes licensed, he/she must conform to the code of ethics or be subject to disciplinary action by the Board. If this is true, we have no objection to eliminating it. But in the interests of candor, why not leave it in? Surely applicants deserve to know all the conditions they will be expected to fulfill before they apply?

5300.0140 [Emergency] Education Requirements

Recommend: delete Subp. 2 and replace with Subp. 3.

Recommend: In Subp. 3 (renumbered as Subp. 2), delete letters K, L, and M.

Various comments, including Ms. Mizuno's, attack Subp. 3 of this section on the grounds that it exceeds the Board's statutory authority by effectively waiving educational requirements during the transition period where the statute permits waiving only the examination.

In our view, there is a problem here. As we read 148B.34, it waives only clause (7) of 148B.33. The educational requirement in 148B.33(5) does include (5)(ii): "has completed a master's or doctoral degree from a regionally accredited educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in clause (5)(i)." Clearly, the Board must define "equivalency" to an MFT degree in the Rules, which it does in 5300.0140. Subp. 2. Perhaps Ms. Mizuno and others have a valid point that Subp. 3 seems to exceed statutory authority, since it goes beyond the already-defined "equivalent-to-the-MFT degree" criteria in Subp. 2 and appears to waive them as well as the examination during the transition period.

We recognize the good purposes of Subp. 3, however, and with some changes could support it for purposes of the transition. We recommend retaining it, *mutatis mutandis,* and deleting Subp. 2 from the Emergency Rules, adding it to the Permanent rules later.

In Subp. 3, our view is that most of the listed degrees have some merit, in that the public IS protected by initially licensing those who are currently practicing marriage and family therapy: this gives clients recourse in the event of shoddy or unethical treatment. We recommend, however, deleting K, L, and M from the list. In real life, anthropologists, sociologists, and criminal justice workers do not do marriage and family therapy, nor do their degrees at all prepare them to do so. The other degrees all do include some preparation for counseling AND the practice of those professions usually involves some marriage or family work.

5300.0150 [Emergency] Experience Requirements

Recommend: Subp. 5: delete term "counseling" and replace with phrase, "marriage and family therapy experience . . . "

We see confusion in the use of the term "counseling" without defining it. It could include a variety of activities in no way related to marriage and family therapy, or even to mental health, such as financial counseling. For consistency as well as clarity, we recommend using the term "marriage and family therapy," throughout the Rules.

Recommend: Subp. 6, paragraph two: Rewrite to say: "In calculating two years of supervised postgraduate experience in marriage and family <u>therapy</u>, the board shall accept a minimum of 1000 hours of <u>direct client contact per year</u> for a minimum of two years. <u>These hours shall be considered 'postgraduate' if the applicant has obtained a master's degree, even if proceeding on for the doctorate."</u>

These changes reflect a number of concerns expressed by our members. First, as currently written, the "1000 hours of experience for a minimum of two years" implies that one can be licensed with essentially quarter-time experience. The customary calculation of full-time work is 2000 hours per year. Calculating "private practice," it is customary to consider 1000 client contact hours or direct service hours (billable hours) the norm for full time. Thus, 2000 direct client contact hours per two years would be full time experience.

Second, as currently written, the requirement penalizes doctoral students, since they do not attain "postgraduate" status as soon as master's people do, even though they have equivalent preparation at the same time. Thus, we recommend defining "postgraduate" as "post-Master's degree." Students in doctoral programs who chose not to obtain the Master's degree should not, of course, be practicing without the minimum educational requirements, the Master's degree. Students without the Master's

degree, therefore unlicensable, are exempt from the license requirement by 148B.38. Subp. 2.

5300.0160 [Emergency] Requirements for Supervisor.

Recommend: Make previous changes recommended for **5300.0140** and **5300.0150** to ensure that supervisors meet same criteria as licensees.

Recommend: Subp.2 (B)(1): Add word "psychotherapy" here: "provides evidence of training in psychotherapy supervision."

Ms. Mizuno raises interesting points regarding this section, with which we agree. We think that changing the previous sections as recommended will adequately provide for these. We also recommend specifiying that the supervisor must have training in psychotherapy supervision, in order to prevent confusion.

These are our comments on the final Draft Emergency Rules. We appreciate your openness to our comments and applaud again the work the Board has done in writing them. Please feel free to call me if you have any questions or need clarification.

Sincerely,

William H. Percy, Ph.D.
Chair, Legislative Action and Advocacy Committee, UMAMFT

cc. Karen Irvin, MA.
President, UMAMFT

Dominic Sposeto & Associates

Public Affairs / Legislative Services

2824 IRVING AVENUE S. • MINNEAPOLIS, MN 55408

(612) 831-1747

October 17, 1988

RECEIVED

OCT 1 8 1988

Office of Social Work / Mental Health Board

Ms. Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West Suite 225
St. Paul, MN 55114

Dear Ms. Mancheski:

Thank you for providing a copy of the emergency rules for the Board of Marriage and Family Therapy. Upon review of the draft, I would like to raise one concern.

Section 5300.0120 grants an exemption for qualified individuals of other licensed professions who are performing services consistent with their training so long as they do not represent themselves by a title denoting marriage and family therapy. The specific exemption is from part 5300.0110, the requirement for licensure. However, I would suggest that this exemption be much broader and exempt these already licensed professions from the entire rule parts 5300.0100 to 5300.0360.

I would make this request based upon what I believe was the legislative intent of Minnesota Statutes, section 148B.38. This portion of the law was enacted to avoid dual regulation of already regulated professions. Since these already licensed professions must meet the codes of conduct of their practice acts and the continuing education requirements already required by statute, it would seem inappropriate to place further regulation upon these professions.

I not sure it was your intent to only exempt these professions from the licensing requirement or you may feel that by granting this exemption, you are in fact stating that they are not covered by the rules. However, I believe that amending the rules to clearly state that these professions are exempt from parts 5300.0100 to 5300.0360 would be quite a clearer approach.

Thank you in advance for your consideration.

Yours very truly,

Dominic J. Sposeto
Lobbyist, Minnesota Psychiatric Society

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MARRIAGE
AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Emergency Rules of the State Board of Marriage and Family Therapy Relating to the Licensure of Marriage and Family Therapists

DECLARATION
OF COUNSEL

I, Robert T. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0476.

Robert T. Holley

ROBERT T. HOLLEY
Special Assistant
Attorney General

Dated: November 23, 1988

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Emergency Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULES

Notice of the State Board of Marriage and Family Therapy's intent to adopt the above-entitled emergency rules was published in the State Register on October 17, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.30 on October 14, 1988.

All persons were given the opportunity to submit written comments on the rules for a least 25 days after notice of proposed rulemaking.

The above-entitled matter came before the State Board of Marriage and Family Therapy (Board) on the 18th day of November, 1988. After considering all written comments submitted to the Board, in accordance with statutory requirements regarding the adoption of emergency rules, the Board, being fully advised on the premises, adopted Findings of Fact and Conclusions, dated November 23,1988.

On December 2, the Board withdrew their emergency rules for the purpose of implementing three additional modifications to the rules [rules draft, dated 11/22/88].

The Board finds that these additional changes have merit and has modified the emergency rules accordingly. None of these changes is substantive, and none of these changes raises significant new legal issues.

These additional modifications and the specific grounds for their adoption, in addition to the previous modifications adopted in the November 23, 1988 Findings of Fact, are as follows:

SUPPLEMENTAL FINDINGS OF FACT

1. The Board published its notice of intent to adopt the above-entitled rules, together with the proposed rules, in the State Register on October 17, 1988.

2. The notice of the Board's intent to adopt the rules afforded interested persons 25 days during which to submit data and views on the proposed rules. The comment period, as set out in the notice, expired on November 10, 1988.

3. During the comment period, the Board received written comments from nine interested persons or departments or agencies. They are as follows:

Dominic Sposeto; Dominic Sposeto & Associates
Sister Mary Madonna Ashton; Minnesota Department of Health
Sherman Nelson, Ph.D.; Minneapolis Clinic of Neurology, Ltd.
William Doherty, Ph.D.; Director, University of Minnesota Marriage and Family Therapy Program
Mary Beth Curry; Minnesota Hospital Association
James Maddock, Ph.D.; Associate Professor, University of Minnesota Family Social Science Program
Dennis Anderson; President, Minnesota Psychological Association
William Percy; Upper Midwest Division of the Association of Marriage and Family Therapy
Lois Mizuno; Executive Director, State Board of Psychology

In addition, the Board staff prepared written comments on the rules relating to modifications to be made. These comments are part of the record.

4. The Board finds that certain comments received have merit, and the Board has modified the rules accordingly. The Board finds that the comments received support 20 modifications in the rules as proposed. None of these modifications are substantive.

CLARIFICATION OF LANGUAGE AMBIGUITY

5. Page 2, Lines 20 and 21. [Part 5300.0110 LICENSE REQUIREMENT, Subpart 1. **License Required**]* The proposed language could be misconstrued to include those individuals specifically exempt in Minnesota Statutes, section 148B.38.

6. For clarity, it is reasonable to modify Page 2, Lines 20 and 21, in order to be parallel in construction to Minnesota Statutes, section 148B.38.

*Emergency Rules Draft, Dated 11/22/88

7. The proposed modifications to Page 2, Lines 20 and 21, are as follows:

5300.0110 [Emergency] LICENSE REQUIREMENT
Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, section 148B.38, shall....

8. This modification is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

DRAFTING ERROR

9. Page 2, Line 24. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued to prohibit the advertising of marriage and family therapy services.

10. To correct a drafting error, it is reasonable to modify Page 2, Line 24.

11. The proposed modification to Page 2, Line 24, is as follows:

...denoting marriage and family ~~therapy~~ therapist without obtaining....

12. This modification is consistent with Minnesota Statutes, section 148B.32, subdivision 2, and is not substantially different from the rules as proposed.
(Comment: Lois Mizuno)

CLARIFICATION OF LANGUAGE AMBIGUITY

13. page 3, line 9. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued as requiring those qualified individuals of other licensed or certified professions or occupations, who are exempt from the license requirement, to abide by the rest of the rules which follow (ie. Code of Ethics).

14. For clarity, it is reasonable to modify Page 3, Line 9.

15. The proposed modification to Page 3, Line 9, is as follows:

...~~part~~ parts 5300.0110 to 5300.0360 [Emergency]so long as they do....

16. This modification is not substantially different from the rules as proposed.
(Comments: Dominic Sposeto, Sherman Nelson)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR/CLARIFICATION OF LANGUAGE AMBIGUITY

17. Page 3, Lines 11 to 13. [Part 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT]* The proposed language could be misconstrued to prohibit the advertising of marriage and family therapy services. The proposed language also needs clarification as to which titles will be prohibited.

18. To correct a drafting error, and to provide clarification of the rules, it is reasonable to modify Page 3, Lines 11 to 13.

19. The proposed modification to Page 3, Line 11 to 13, is as follows:

...~~therapy~~ therapist, such as marriage and family therapist, marriage and family counselor, or any other similar title denoting marriage and family therapist.

20. This modification is consistent with Minnesota Statutes, section 148B.32, subdivision 2, and is not substantially different from the rules as proposed.

(Comments: Sherman Nelson)

DRAFTING ERROR

21. Page 6, Lines 3 and 4. [Part 5300.0140 EDUCATION REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE, Subpart 4 **Proof of Equivalency**]* The proposed language could be misconstrued as requiring the master's degrees listed in subpart 3, of part 5300.0140, to follow the curriculum stated in subpart 2 of this part, in order for the degrees to be considered by the Board as establishing equivalency according to subpart 2.

22. To correct a drafting error, it is reasonable to modify Page 6, Lines 3 and 4.

23. The proposed modification to Page 6, Lines 3 and 4, is as follows:

...coursework is equivalent to requirements in ~~subparts~~ Subpart 2 ~~and~~ or 3.

24. This modification is not substantially different from the rules as proposed.

(Comments: James Maddock; Board of Marriage and Family Therapy)

CHANGE OF WORDING STYLE/CLARIFICATION OF LANGUAGE AMBIGUITY

25. Page 6, Lines 6 to 11. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 1 **Supervised experience required**]* The proposed language is awkward in wording.

26. For clarity, it is reasonable to modify Page 6, Lines 6 to 11.

*Emergency Rules Draft, Dated 11/22/88

27. The proposed modification to Page 6, Lines 6 to 11, is as follows:

Subpart 1. **Supervised experience required.** ~~According to Minnesota Statutes, section 148B.33, subdivision 1, clause (4), an applicant must have two years of supervised, postgraduate experience. The supervised experience must meet the requirements in subparts 2 to 6.~~ The two years supervised, postgraduate experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4), must meet the requirements in subparts 2 to 6.

28. This modification is not substantially different from the rules as proposed.

(Comment: Lois Mizuno)

DELETION OF PARAGRAPHS 29 TO 32 FROM THE ORIGINAL FINDINGS OF FACT, CONCLUSIONS AND ORDER.

Paragraphs 29 to 32 of the November 23, 1988, Findings of Fact described proposed modifications to Page 6, Lines 11 and 12 of the emergency rules (relating to defining the word, "postgraduate"). Because these proposed modifications are substantive changes, the Board chooses not to make them at this time. Paragraphs 29 to 32 from the November 23, 1988 Findings of Fact are deleted.

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

29. Page 7, Line 3. [Part 5300.0150 EXPERIENCE REQUIREMENTS, Subpart 5 **Counseling requirements**]* The proposed language mentions the word, "counseling," when referring to experience requirements when the word, "therapy," is meant. Although the Board's governing statute, Minnesota Statutes, sections 148B.29 to 148B.39, interchanges the words, "counseling" and "therapy", these two words mean different things to mental health professionals. Although the Board used the same words in the rules as were used in the governing statute; it was later learned, after the rules were proposed, that the legislation will be amended to delete all references to "counseling" and "marriage and family counseling" and put in their stead, "therapy" and "marriage and family therapy."

30. For consistency and clarity, it is reasonable to modify Page 7, Line 3.

31. The proposed modification to Page 7, Line 3, is as follows:

Subp. 5 ~~**Counseling**~~ **Therapy requirements.** The applicant....

32. This modification is not substantially different from the rules as proposed.

(Comments: William Percy, Lois Mizuno)

*Emergency Rules Draft, Dated 11/22/88

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

33. Page 7, Line 4. [Part 5300.0150 EXPERIENCE REQUIREMENTS Subpart 5 **Counseling requirements**]* The proposed language mentions the word "counseling" when the word "therapy" is meant. Please see paragraph 33 for explanation.

34. For consistency and clarity, it is reasonable to modify Page 7, Line 4.

35. The proposed modification to Page 7, Line 4, is as follows:

...must demonstrate ~~counseling~~ therapy in the following categories....

36. This modification is not substantially different from the rules as proposed.

(Comments: William Percy, Lois Mizuno)

CONSISTENCY/CLARIFICATION OF LANGUAGE AMBIGUITY

37. Page 7, Line 15. [Part 5300.0150 EXPERIENCE REQUIREMENTS Subpart 6 **Years of experience; computation**]* The proposed language mentions the word, "counseling" when the word, "therapy" is meant. Please see paragraph 33 for explanation.

38. For consistency and clarity, it is reasonable to modify Page 7, Line 15.

39. The proposed modification to Page 7, Line 15, is as follows:

...experience in marriage and family ~~counseling~~ therapy, the board....

40. This modification is not substantially different from the rules as proposed.

(Comments: William Percy, Lois Mizuno)

ELIMINATION OF DUPLICATION/CLARIFICATION OF LANGUAGE AMBIGUITY

41. Page 13, Lines 19 to 21. [Part 5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES Subpart 4 **Oral part of examination,** Item D]* The proposed language on Page 13, Line 19, "the applicant's clinical practice skills", was intended to mean the applicant's knowledge of professional standards. The applicant's knowledge of professional standards, however, will be examined when the Board examines the applicant's knowledge of the Code of Ethics (Page 13, Line 16, item B), because The Code of Ethics, at Subpart 5, item S (Page 29, Lines 14 to 19) defines unprofessional conduct as any conduct violating the Code of Ethics or violating standards of professional behavior. Thus, the proposed language on Page 13, Line 19, is repetitive and duplicative of Line 16 on the same page, and could be confusing to the reader. If Line 19 is deleted as proposed, then the item letter of Line 21 must be changed.

*Emergency Rules Draft, Dated 11/22/88

42. To eliminate duplication and for clarity, it is reasonable to modify Page 13, Lines 19 to 21.

43. The proposed modifications to Page 13, Lines 19 to 21, are as follows:

D. ~~the applicant's clinical practice skills;~~
~~E.~~ the applicant's declared competencies; and
~~F.~~ E. other related areas determined by the board.

44. These modifications are not substantially different from the rules as proposed.
(Comments: Board of Marriage and Family Therapy)

DRAFTING ERROR

45. Page 16, Line 10. [Part 5300.0290 FAILURE TO RENEW,Subpart 1 **Procedures**]* To correct a drafting error, it is reasonable to modify Page 16, Line 10.

46. The proposed modification to Page 16, Line 10, is as follows:

...part 5300.0280 [Emergency], subparts 3,4,5, and 6 ~~and~~ or fails....

47. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

CLARIFICATION OF LANGUAGE AMBIGUITY

48. Page 18, Lines 33 and 34. [Part 5300.0310 CONTINUING EDUCATION REQUIREMENTS, Subpart 2 **Number of hours required**]* The proposed language is awkward and ambiguous.

49. For clarity, it is reasonable to modify Page 18, Lines 33 and 34.

50. The proposed modifications to Page 18, Lines 33 and 34, are as follows:

...minimum of 15 hours of continuing education by December 31 every year ~~, corresponding with the licensee's license renewal date~~.

51. These modifications are not substantially different from the rules as proposed since the licensee's license renewal date is December 31st.
(Comment: Board of Marriage and Family Therapy)

*Emergency Rules Draft, Dated 11/22/88

DRAFTING ERROR/CONSISTENCY

52. Page 25, Line 32. [Part 5300.0340 VARIANCE, Subpart 3 **Alternatives must be followed**]* To correct a drafting error and for consistency, it is reasonable to modify Page 25, Line 32

53. The proposed modification to Page 25, Line 32, is as follows:

..~~application~~ petition for the variance.

54. This modification is not substantially different from the rules as proposed since the word "petition" was used in the previous subparts of this part of the rules.

(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR

55. Page 25, Lines 34 and 35. [Part 5300.0340 VARIANCE, Subpart 4 **Renewal; notice of change: revocation**]* To correct a drafting error and for consistency, it is reasonable to modify Page 25, Lines 34 and 35.

56. The proposed modifications to Page 25, Lines 34 and 35, are as follows:

...Variance shall be renewed upon ~~reapplication for a~~ petition for a renewal of the variance if the circumstances justifying the....

57. This modification is not substantially different from the rules as proposed since the word "petition" was used in the previous subparts of this part of the rules.

(Comment: Board of Marriage and Family Therapy)

ELIMINATION OF AMBIGUITY

58. Page 26, Lines 28 to 35 and Page 27, Lines 1 and 2 [Part 5300.0350 CODE OF ETHICS, Subpart 4 **Preamble**]* To eliminate ambiguities and vague language, it is reasonable to modify Page 26, Lines 28 to 35 and Page 27, Lines 1 and 2.

59. The proposed modifications to Page 26, Lines 28 to 35 and Page 27, Lines 1 and 2 are as follows:

Page 26, Lines 28 to 35: ~~Subp. 4. **Preamble.** Licensed marriage and family therapists are professional therapists trained in dealing with marriage and family problems. They must be conscious of their special skills and aware of their professional boundaries. They must perform their professional duties on the highest levels of integrity and confidentiality and must not hesitate to recommend assistance~~

*Emergency Rules Draft, Dated 11/22/88

~~from other professional disciplines when circumstances dictate. They must be committed to protect the~~ ....

Page 27, Lines 1 and 2: ... ~~public against unethical practices and must not hesitate to expose unethical practices.~~

60. These modifications are not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

CONSISTENCY

61. Page 27, Line 3; Page 29, Line 20; Page 31, Line 35; and Page 33, Line 7. [Part 5300.0350 CODE OF ETHICS, Subpart 5 **Integrity**; Subpart 6 **Relations to clients**; Subpart 7 **Confidentiality and keeping of records**; Subpart 8 **Research**]* To be consistent with the changes made in paragraphs 58 to 60, it is reasonable to modify Page 27, Line 3; Page 29, Line 20; Page 31, Line 35; and Page 33, Line 7.

62. The proposed modifications to Page 27, Line 3; Page 29, Line 20; Page 31, Line 25; and Page 33, Line 7 are as follows:

Page 27, Line 3: Subp. ~~5~~. 4. **Integrity.** A marriage and family therapist must ....

Page 29, Line 20: Subp. ~~6~~. 5. **Relations to clients.** A marriage and family ....

Page 31, Line 35: Subp. ~~7~~. 6. **Confidentiality and keeping of records.** A ....

Page 33, Line 7: Subp. ~~8~~. 7. **Research.** A marriage and family therapist must ....

63. These modifications are not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR/CONSISTENCY

64. Page 27, Line 25. [Part 5300.0350 CODE OF ETHICS, Subpart 5 **Integrity** Item C]* To correct a drafting error and for consistency, it is reasonable to modify Page 27, Line 25.

65. The proposed modification to Page 27, Line 25, is as follows:

...between the therapist and students, employees, or supervisees is....

*Emergency Rules Draft, Dated 11/22/88

66. This modification is not substantially different from the rules as proposed since the word, "employees," is mentioned throughout item C of subpart 5 of the Code of Ethics, and it was an oversight to forget the word in the last sentence of item C.
(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR

67. Page 28, Line 31. [Part 5300.0350 CODE OF ETHICS, Subpart 5 **Integrity** Item N]* To correct a drafting error, it is reasonable to modify Page 28, Line 31.

68. The proposed modification to Page 28, Line 31, is as follows:

...~~C~~ D or ~~J~~ K. This requirement to file a complaint does not apply....

69. This modification is not substantially different from the rules as proposed since this is an incorrect internal reference in the Code of Ethics.
(Comment: Lois Mizuno)

DRAFTING ERROR

70. Page 29, Line 35. [Part 5300 0350 CODE OF ETHICS, Subpart 6 **Relations to clients** Item B]* To correct a drafting error, it is reasonable to modify Page 29, Line 35.

71. The proposed modification to Page 29, Line 35, is as follows: (apostrophe added)

...~~therapists~~ therapist's professional judgment or increase the....

72. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

DRAFTING ERROR

73. Page 33, Line 35; Page 34, Line 1. [EFFECTIVE DATE] In order to correct a drafting error, it is reasonable to modify Page 33, Line 35 and Page 34, Line 1.

74. The proposed modifications to Page 33, Line 35 and Page 34, Line 1 are as follows:

Page 33, Line 35: ~~EFFECTIVE DATE. The effective date of parts 5300.0100 to~~
Page 34, Line 1: ~~5300.0360 [Emergency] is December 15, 1988.~~

*Emergency Rules Draft, Dated 11/22/88

75. This modification is in accordance with Minnesota Statutes, Section 14.33 which provides that emergency rules shall take effect five working days after approval by the Attorney General. This modification is not substantially different from the rules as proposed.
(Comment: Board of Marriage and Family Therapy)

CONCLUSIONS

1. The Board published and served timely and adequate notice of the intent to adopt the proposed emergency rules.

2. The Board has demonstrated its statutory authority to adopt the proposed emergency rules and has fulfilled all other substantive and procedural requirements of statute and rule.

3. The changes that are being made in the resubmitted emergency rules do not result in emergency rules that are substantially different than what was proposed in the State Register. These changes do not raise significant new legal issues.

4. Any findings which might properly be termed conclusions and any conclusions which might properly be termed findings are hereby adopted as such.

ORDER

NOW THEREFORE, IT IS ORDERED that the rules identified as Proposed Emergency Rules Relating to Marriage and Family Therapy, as modified, are adopted this 5th day of December, 1988, pursuant to authority vested in the Board of Marriage and Family Therapy by Minnesota Statutes, section 148B.171.

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy

December 5, 1988
Date

CERTIFICATE OF THE

BOARD OF MARRIAGE AND FAMILY THERAPY

RESOLUTION ADOPTING

RESUBMITTED EMERGENCY RULES

I, C.L. Moore, Ph.D., do hereby certify that I am a member and the chairperson of the State Board of Marriage and Family Therapy, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a reolution adopted at a meeting of the State Board of Marriage and Family Therapy, duly and properly called and held on the 5th day of December, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the resubmitted rules relating to the licensure of marraige and family therapists are approved and adopted, pursuant to authority vested in the State Board of Marriage and Family Therapy by Minnesota Statutes, sections 148B.171 and 148B.31. Deborah L. Mancheski, executive director of the State Board of Marriage and Family Therapy, is authorized to sign findings of fact, conclusions and order adopting the resubmitted rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the attorney general and to perform the necessary acts to provide that the rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 5th day of December, 1988.

C.L. Moore, Ph.D.
Chairperson
Board of Marriage and Family Therapy

James J. Prokop, A.C.S.W.,
M.B.A., M.A.
Secretary/Treasurer
Board of Marriage and Family Therapy

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the matter of the Proposed Adoption of the Emergency Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists.	ORDER OF WITHDRAWL OF EMERGENCY RULES

ORDER

NOW, THEREFORE, IT IS ORDERED that the rules identified as Proposed Emergency Rules Relating to Marriage and Family Therapy, as modified, are WITHDRAWN this second day of December, 1988, pursuant to authority vested in the Board of Marriage and Family Therapy by Minnesota Statutes, section 148B.171.

Deborah L. Mancheski

Deborah L. Mancheski, Esquire
Executive Director
Board of Marriage and Family Therapy

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

In the Matter of the Proposed Adoption of Emergency Rules of the State Board of Marriage and Family Therapy Governing Licensure of Marriage and Family Therapists

AFFIDAVIT OF MAILING THE NOTICE OF SUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)SS.
COUNTY OF RAMSEY)

Debbie L. Mancheski being sworn says:

That on the 23rd day of November, 1988, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Debbie Mancheski

Debbie L. Mancheski
Executive Director
Board of Marriage and Family Therapy

Subscribed and sworn to before me this 23rd day of Nov., 1988.

BETTY L. MESSERVEY
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
My Commission Expires Apr. 7, 1989

Betty L. Messervey

STATE OF MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY

In the matter of the Proposed Adoption of the Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists

NOTICE OF RESUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL

PLEASE TAKE NOTICE that the above-entitled emergency rules as adopted have been resubmitted to the Office of the Attorney General on the date of this notice, December 5, 1988, for review as to legality and form to the extent form relates to legality. The proposed emergency rules, the rules as adopted, all the notices, all written comments received and other required documents also have been resubmitted to the Attorney General.

The proposed emergency rules which were published in the State Register and made available to the public on October 17, 1988, have been modified. A free copy of the emergency rules as modified; the original findings of fact, conclusions, and order; and the supplemental findings of fact, conclusions, and order explaining the modifications and adopting the rules are available upon request from:

Deborah L Mancheski, Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, #225
St. Paul, MN 55114
(612) 643-2586

The rules must be approved or disapproved by the Attorney General on the tenth working day following date of receipt of the rules. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rules or the legality of the specific parts or subparts of the rules. The Attorney General standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the Attorney General's decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
Saint Paul, Minnesota 55155
(612) 296-9715

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, #225
St. Paul, MN 55114
(612) 643-2586

Deborah L. Mancheski

Deborah L. Mancheski
Executive Director,
Board of Marriage and Family Therapy

Date: December 5, 1988

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of the Emergency Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists	**NOTICE OF SUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL**

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned emergency rules as adopted, have been submitted to the Office of the Attorney General on the date of this notice, November 23, 1988, for review as to legality and form to the extent form relates to legality. The proposed emergency rules, the rules as adopted, all the notices, all written comments received and other required documents also have been submitted to the Attorney General.

The proposed emergency rules which were published in the State Register and made available to the public on October 17, 1988, have been modified. A free copy of the emergency rules as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rules is available upon request from:

Deborah L.Mancheski
Executive Director,
Board of Marriage and Family Therapy
2700 University Avenue West, #225
St. Paul, MN 55114
Telephone: (612) 643-2586

The rules must be approved or disapproved by the Attorney General on the tenth working day following date of receipt of the rules. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rules or the legality of the specific parts or subparts of the rules. The Attorney General standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the Attorney General's decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
515 Transportation Building
John Ireland Blvd.
Saint Paul, Minnesota 55155
Telephone: (612) 296-9715

Any written comments submitted to the Attorney General must be submitted simultaneously to :

Deborah L. Mancheski
Executive Director,
Board of Marriage and Family Therapy
2700 University Avenue West, #225
St. Paul, MN. 55114
Telephone: (612) 643-2586

Deborah L. Mancheski
Executive Director,
Board of Marriage
and Family Therapy

Dated: 11/23/88

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

In the matter of the Proposed Adoption of the Rules of the State Board of Marriage and Family Therapy Governing the Licensure of Marriage and Family Therapists

AFFIDAVIT OF MAILING OF THE NOTICE OF RESUBMISSION OF EMERGENCY RULES TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)SS.
COUNTY OF RAMSEY)

Debbie L. Mancheski being sworn says:

That on the 5th day of December, 1988, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Resubmission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Debbie L. Mancheski

Debbie L. Mancheski
Executive Director
Board of Marriage and Family Therapy

Subscribed and sworn to before me this 5th day of December 1988.

Betty L. Messervey

BETTY L. MESSERVEY
NOTARY PUBLIC — MINNESOTA
DAKOTA COUNTY
My Commission Expires Apr. 7, 1989

CERTIFICATE OF THE
BOARD OF MARRIAGE AND FAMILY THERAPY
AUTHORIZING RESOLUTION

I, C.L. Moore, Ph.D., do hereby certify that I am a member and the chairperson of the State of Minnesota Board of Marriage and Family Therapy, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Marriage and Family Therapy duly and properly called and held on the 20th day of May, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Deborah Mancheski, the executive director of the Board of Marriage and Family Therapy, is hereby granted the authority and directed to sign and to give the Notice of the Board's intent to Adopt Emergency rules governing the licensing of marriage and family therapists, including but not limited to procedures and standards relating to the licensing requirement, the scope of authorized practice, fees, continuing education requirements, rules of conduct and disciplinary procedures, to all persons who have registered their names with the Board for that purpose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of May, 1988.

C.L. Moore, Ph.D.
Chairperson

Margaret L. Rodowski

Board Member

Department of Health

Social Work and Mental Health Boards
Board of Marriage and Family Therapy

Outside Information or Opinions Sought Regarding Proposed Emergency Rules Governing the Licensure of Marriage and Family Therapists

Minnesota Statutes 1987, Sections 148B.29-148B.39 establish the State of Minnesota Board of Marriage and Family Therapy ("Board"). The Board shall, among other things, adopt and enforce rules for marriage and family therapy licensing, which shall be designed to protect the public; develop by rule appropriate techniques, including examinations and other methods, for determining whether applicants and licensees are qualified; issue licenses to individuals who are qualified; study and investigate the practice of marriage and family therapy within the state of Minnesota in order to improve the standards imposed for the licensing of marriage and family therapists; formulate and implement a code of ethics for all licensed marriage and family therapists; and establish continuing education requirements for marriage and family therapists.

Notice is hereby given that the State Board of Marriage and Family Therapy is seeking information or opinions from sources outside the Board in preparing to propose the adoption of Emergency rules governing the licensure of marriage and family therapists, including but not limited to procedures and standards relating to the licensing requirement, the scope of authorized practice, fees, continuing education requirements, rules of conduct and disciplinary procedures. The adoption of the rules is authorized by *Minnesota Statutes*, Section 148.31, which requires the Board to adopt and enforce rules for marriage and family therapy licensing.

The State Board of Marriage and Family Therapy requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Deborah Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114

Oral statements will be received during regular business hours over the telephone at 612/643-2580 and in person at the above address.

All statements of information and opinions shall be accepted until June 25, 1988. Any written material received by the State Board of Marriage and Family Therapy shall become part of the rulemaking record to be submitted to the attorney general in the event that the rules are adopted.

Dated: 20 May 1988

Deborah Mancheski
Executive Director

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

November 23, 1988

The Office of the Attorney General
515 Transportation Bldg.
John Ireland Blvd.
Saint Paul, Minnesota 55155
Telephone: (612) 296-9715

Dear Sir/Madam:

This transmittal letter is to inform you that the Board of Marriage and Family Therapy is formally submitting their emergency rules as reviewed by Robert Holley of the Attorney General's Office.

If you have any questions, please feel free to call me at 643-2586.

Sincerely,

Deborah L. Mancheski, Esq

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy

RECEIVED
NOV 23 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST PAUL, MN 55155

State of Minnesota Board of Marriage
and Family Therapy

In the Matter of the Proposed
Adoption of Emergency Rules
of the State Board of Marriage
and Family Therapy Relating to
the Licensure of Marriage and
Family Therapists

**NOTICE OF
INTENT TO
ADOPT
EMERGENCY RULES**

Notice is hereby given that the State Board of Marriage and Family Therapy intends to adopt the above entitled emergency rules. The statutory authority to adopt the emergency rules is contained in Minnesota Statutes, sections 148B.171 and 148B.31. The Board, in adopting the rules, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to:

Deborah L. Mancheski
Executive Director
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
St. Paul, Minnesota 55114
(612) 643-2586

A copy of the proposed emergency rules is attached to this notice.

A free copy of the proposed emergency rules is available by contacting Deborah Mancheski at the above mentioned address or phone number.

The proposed emergency rules may be modified if the modifications are supported by data and views submitted to the board and do not result in a substantial change in the proposed emergency rules as noticed.

Upon adoption of the emergency rules by the Board, the emergency rules as adopted and their supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Deborah Mancheski at the above mentioned address.

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the Board gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

October 10, 1988
Date

Deborah L. Mancheski
Deborah L. Mancheski
Executive Director