

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: January 18, 1991

TO: SHARON DAVERN-FECKER
Chair
Board of Marriage & Family Therapy

FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

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

The above-referenced rule has been approved as to its legality by the Attorney General on January 15, 1991.

Enclosed is your 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, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance 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.

CH:sc
Enclosures
cc: Robert Holley
William Brown, Chief Judge
MaryAnn Hruby

CH

RULE REVIEW CHECKLIST

File No. 1778
DATE RECEIVED 1-2-91
REVIEW DATE 1-11-91
DUE DATE 1-16-91
(DIS)APPROVED 1-15-91
WITHDRAWN

Docket No. 05.0809.0476
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 1-3-91
REVISOR (DIS)APPROVED 1-7-91
FILED W/SEC. OF STATE 1-17-91
RETURNED TO AGENCY

✓ 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

✓ Board's Authorizing Resolution
July 20, 1990 Date adopted

Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
148 B.31 Statutory Authority
✓ Small Business Statement
✓ Expenditure of public money statement
October 11, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
✓ Fees - § 16A.128 no memo from finance

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
October 11, 1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
October 22, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
Did not meet it Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
December 21, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
December 21, 1990 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
Bob Holley Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Board of Marriage and Family Therapy

Adopted Permanent Rules Relating to Marriage and Family Therapy

Rules as Adopted

5300.0100 DEFINITIONS.

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

Subp. 2. **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, video, or television broadcasting.

Subp. 3. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 4. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 5. **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 certification 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

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mandatory recertification and continuing education requirements.

Subp. 6. **Dual relationship.** "Dual relationship" means a relationship between a therapist and a client that is both professional and one or more of the following: cohabitational, familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for therapeutic services rendered.

Subp. 7. **Fee splitting.** "Fee splitting" means the practice of paying commissions to colleagues out of the fees received from clients who have been referred by the colleague.

Subp. 8. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 9. **LMFT.** "LMFT" are the initials permitted to be used by a licensed marriage and family therapist to designate that the individual is licensed by the Board of Marriage and Family Therapy.

Subp. 10. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 11. **Postgraduate supervised experience.** "Postgraduate supervised experience" means supervised experience occurring after the educational institution grants the degree for licensure as shown on the applicant's transcript.

Subp. 12. **Regionally accredited.** "Regionally accredited" means those educational institutions accredited by the North Central Association of Schools and Colleges or a similar accrediting body with accreditation standards equal to or greater than the accreditation standards used by the North Central Association of Schools and Colleges.

Subp. 13. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:

A. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the therapist's body or by any object used by the

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therapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the therapist's body by any part of the patient's or former patient's body or by any object used by the patient or former patient for this purpose, if agreed to by the therapist;

B. kissing of, or the intentional touching by the therapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;

C. kissing of, or the intentional touching by the patient or former patient of the therapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the therapist agrees to the kissing or intentional touching.

Sexual contact includes requests by the therapist for conduct described in items A to C.

Sexual contact does not include conduct described in items A or B that is a part of standard medical treatment of a patient.

Subp. 14. **Sexual harassment.** "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the

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employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Subp. 15. **Supervisee.** "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 16. **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. 17. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160, and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 18. **Therapeutic deception.** "Therapeutic deception" means a representation by a therapist that sexual contact with the therapist is consistent with or part of the patient's or former patient's treatment.

Subp. 19. **Therapist.** "Therapist" means a licensee of the board.

Subp. 20. **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.

5300.0110 LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, sections 148B.32, subdivision 2, and 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 therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360.

Subp. 2. **Engaging in marriage and family therapy practice,**

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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.

5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from parts 5300.0110 to 5300.0360 so long as they do not represent themselves by a title denoting marriage and family therapist, such as marriage and family therapist, marriage therapist, family therapist, marriage and family counselor, marriage counselor, or family counselor unless specifically allowed to do so under Minnesota Statutes, section 148B.32, subdivision 2. Those qualified individuals listed in Minnesota Statutes, section 148B.38 may advertise the performance of marriage and family therapy services.

5300.0130 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, clauses (5)(i) and (ii);

B. have obtained the age of majority, the age of majority being 18 years according to Minnesota Statutes, section 645.451, subdivision 5.

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

D. 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;

E. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the

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code of ethics for marriage and family therapists in part 5300.0350; and

F. pass both parts of the examination listed in part 5300.0240.

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 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. All requested documentation must be sent directly from the educational institution to 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, if the degree is in a related subject field, and if the degree contains the following coursework:

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

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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 clinical client contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 150 hours 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. 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. An applicant may not use a course for more than one area described in items A to F.

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

5300.0150 EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** 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. **Years of experience; computation.** In calculating

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two years of supervised postgraduate experience in marriage and family therapy, the board shall accept a minimum of 1,000 hours of clinical client contact and 200 hours of supervision over a period of not less than 24 months.

Subp. 3. **Clinical client contact; requirements.** The applicant must demonstrate at least 500 hours of the clinical client contact required in the following categories of cases:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 4. **Supervision; setting.** The supervision shall take place in individual and group settings, according to items A and B.

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. 5. **Supervision requirements.** Supervision must involve:

A. at least 200 hours of face-to-face contact between the supervisor and supervisee of which at least 100 hours must be in individual settings;

B. 100 hours of supervision per year; and

C. 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. 6. **Verifying supervised 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 clinical client

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contact, the number of hours of supervision, and the name and qualifications of each supervisor.

5300.0160 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 three years and 3,000 hours of 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.

5300.0170 RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy services;

B. The supervisor must be knowledgeable of the important literature in the field of marriage and family therapy and professional ethics; and

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

5300.0180 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 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

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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, item A, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all graduate 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 degreed program documented by the applicant's transcripts meets the requirements of part 5300.0130, subpart 1, item A.

(2) The institution granting the degree must be regionally 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 60 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

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5300.0130, 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, item A.

5300.0200 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 E.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240, 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 and an agreement by the applicant that the applicant will conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350.

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

D. The applicant must submit a completed notarized form provided by the board, verifying the applicant's postgraduate, supervised experience, conforming to the requirements of part 5300.0150, subpart 6.

E. The applicant must submit two endorsements attesting to the applicant's good moral character. The endorsements must be completed and signed by individuals who meet the requirements for endorsers under part 5300.0230, subparts 1 and 2. The endorsements must be notarized on forms

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provided by the board.

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, item C.

5300.0210 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 have been met.

5300.0230 REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130, subpart 1, item D, and 5300.0200, subpart 1, item E, the endorser must:

A. be licensed by the board; or

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.

Subp. 2. **Limitations.** An endorser must not be an employee, independent contractor, patient, or former patient, or be related in any way to the applicant.

5300.0240 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:

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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 must pay the written examination fee in part 5300.0360, item B, 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. The written examination shall be offered twice per year on dates established by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** The 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. The oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board and before the applicant is approved for licensure. The 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; and

D. other practice-related areas.

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.** The passing score of the written part of the examination is the

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passing score determined by the Association of Marriage and Family Therapy Regulatory Boards. The passing score for the oral examination shall be determined by the board. 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, but not more than five times without a variance. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360, item B.

5300.0250 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 effect when the individual was licensed in the other state are at least equivalent to or exceed the current 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 application for licensure by reciprocity specified in part 5300.0360, item E. The application must be on a form provided by the board. The application must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities according to the code of ethics in part 5300.0350.

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 to the board directly a statement that the license is in effect and in good standing on a form provided by the board, and a copy of the state's current

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licensing law and rules.

Subp. 4. **Discipline in another jurisdiction; effect on licensing.** The board may refuse to grant a license or may impose disciplinary action as described in Minnesota Statutes, section 148B.37, subdivision 1, for:

A. revocation, suspension, restriction, limitation, or other disciplinary action against the applicant's license in another state or jurisdiction;

B. failure to report to the board that charges regarding the applicant's license have been brought in another state or jurisdiction; or

C. having been refused a license by another state or jurisdiction.

Subp. 5. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in effect when the individual was licensed in the other state are at least equivalent to or exceed the current licensing requirements in Minnesota.

5300.0260 TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective after:

A. the board notifies the applicant in writing that the applicant has been approved for licensure;

B. the applicant has paid the initial license fee in part 5300.0360, item D; and

C. the board assigns a license number to the applicant.

Subp. 2. **Initial licensure period; 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

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procedures in part 5300.0280.

5300.0270 DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of current renewal in a conspicuous place in the therapist's office, or place of business or employment. Evidence of current renewal will be provided by the board upon renewal of the license. A duplicate license shall be issued to a licensee after the licensee requests a duplicate license from the board and pays the duplicate license fee in part 5300.0360, item K.

5300.0280 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, item F, completion of a notarized renewal application, and the fulfillment and notarized reporting of continuing education requirements in part 5300.0320.

Subp. 2. **Notice of renewal.** The board shall send the licensee a written 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 within 45 days after moving.

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 a completed renewal application on a form provided by the board. The licensee must submit the renewal application so that the application is 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, item F, must accompany the renewal application for the renewal application to be complete.

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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, items F and G, if the licensee's application for renewal is postmarked after December 31.

5300.0290 FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280, subparts 3, 4, 5, and 6 or fails to fulfill or report continuing education requirements in part 5300.0320.

Subp. 2. **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, items F and G, on or before December 31, the license expires and the licensee's right to practice terminates on December 31.

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 notice to the licensee's last known address on record with the board.

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

5300.0300 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 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 any other state, or used a title

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denoting marriage and family therapist since expiration of the license unless licensed by another state. 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, item H;

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 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 the renewal fee specified in part 5300.0360, item F, and late renewal fees specified in part 5300.0360, item G, 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 five years or more.** A former licensee whose license expired under part 5300.0290 five years or more before the application for reinstatement must:

A. retake the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240, subpart 3;

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

C. pay the renewal fee specified in part 5300.0360,

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item F, and late renewal fees specified in part 5300.0360, item G, 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 therapist since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement. Nothing in this subpart precludes the board from seeking injunctive relief under Minnesota Statutes, section 214.11 for the unauthorized practice of marriage and family therapy or from referring the matter to criminal law enforcement officials under Minnesota Statutes, section 148B.32, subdivision 3.

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

5300.0310 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. If a complaint is pending against a licensee, a license may not be voluntarily terminated until any indicated action relative to the complaint is concluded. The board must receive the request to terminate before expiration of the license for failure to renew under part 5300.0290, 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, except that payment of the late renewal fees shall not be required.

5300.0320 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

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is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year.

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 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 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 the therapeutic practices of marriage and family therapy or the current psychotherapeutic practices of marriage and family therapy.

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 subject of the course is related to marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of psychotherapeutic work with couples or families. ~~Subject content areas with a systemic approach are:~~

~~(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;~~

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

~~(8) research methodology;~~

~~(9) theories and application of psychometric testing in marriage and family therapy;~~

~~(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 of the course.

Subp. 5. **Committee evaluation.** The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 6. **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 sponsor's application for approval of a continuing education course fee specified in part 5300.0360, item I.

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

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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 or other form of verification of attendance 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 one year 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, item I, before the expiration of the one-year period.

(1) Each sponsor of an approved course may announce, as to a course that has been approved by the board, that: "This course has been approved by the Minnesota Board of Marriage and Family Therapy for ... hours of credit."

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

D. The board shall approve or disapprove a sponsor's application for course approval.

E. 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.

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

Subp. 7. **A licensee's application for course approval.** A

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licensee must apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subpart 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.

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) a detailed description of the course content;

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

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

B. Licensees seeking approval for a course not previously approved by the board are strongly encouraged to seek board approval before attending the course.

C. The board shall deny approval for a course if it does not meet the standards in subpart 4. The board shall notify the applicant in writing of its reasons for denying approval of a course under this subpart.

Subp. 8. **Sources of credit.** Continuing education credit may not be applied for self-study, personal therapy, or other methods not structured on sound education principles. 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. 9. **Hours of credit.** Continuing education shall be credited on an hour-for-hour basis. "One hour" means at least 50 minutes spent as a student in direct participation in a

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structured educational format.

Subp. 10. **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, accompanied by a notarized statement from the licensee's physician.

Subp. 11. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 10 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.

5300.0330 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. **Conviction of crime.** According to Minnesota Statutes, section 148B.37, subdivision 1, clause (2), the crimes that the board shall determine to be of a nature to render the convicted individual unfit to practice marriage and family therapy consist of the crimes described in Minnesota Statutes, sections 144.227, 151.37, 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 609.185, 609.19, 609.195, 609.20, 609.205,

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609.21, 609.215, 609.221, 609.222, 609.223, 609.2231, 609.224, 609.231, 609.235, 609.24, 609.245, 609.25, 609.255, 609.26, 609.265, 609.342, 609.343, 609.344, 609.345, 609.3451, 609.352, 609.365, 609.48, 609.485, 609.498, 609.50, 609.507, 609.52, 609.561, 609.562, 609.563, 609.582, 609.595, 609.625, 609.66, 609.713, and 609.79.

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

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

B. as a condition of restoring any license suspended, revoked, or otherwise acted against 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 and evidence of current license renewal to the board office by registered or certified mail postmarked within three days after the effective date of the board's order of suspension or revocation. Failure to return the license and evidence of current license renewal is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

Subp. 5. **Restoring a license.** The board shall restore a license according to Minnesota Statutes, section 148B.37, subdivision 2. A licensee whose license has been revoked or suspended and subsequently restored by the board must comply with the requirements for reinstatement in part 5300.0300 and must pay the penalty fee in part 5300.0360, item J.

5300.0340 VARIANCE.

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a variance from rules in parts 5300.0100 to 5300.0360, except for a rule which incorporates a statutory requirement. A variance shall be granted if the board determines that the licensee or applicant has specified alternative practices or measures equivalent to or

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superior to the rule in question and if the licensee or applicant 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 petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** If required by the board, a variance shall be renewed upon petition for a renewal of the variance at the time specified by the board when granting the variance if the circumstances justifying the variance continue to exist, their existence is not due to failure to comply with the correction of these conditions, and if all of the requirements of subparts 1, 2, and 3 are met. 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 shall be revoked if there is a material change in the circumstances which justified the granting of 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 subparts

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1 and 2 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, if required, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 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. **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, interns, employees, and supervisees, and must avoid

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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. Sexual contact between the therapist and students, employees, independent contractors, colleagues, or supervisees is prohibited for two years after the date that the relationship is terminated, whether or not the party is informed that the relationship is terminated. Sexual contact after two years with a former student, intern, employee, or supervisee is prohibited:

(1) if the former student, intern, employee, or supervisee was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

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

E. A therapist must not use or exploit the professional relationship with a student, trainee, intern, employee, independent contractor, colleague, research subject, or actual or potential witness or complainant in ethical proceedings in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

F. 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. The therapist must make a reasonably prompt referral when requested to do so by the client, without consideration of limitation of third-party payors.

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

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H. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved. If a client refuses to allow consultation, the therapist should delay the administration of service until the client gives consent to consultation. The exception to the consultation requirement would be if the client reports ethical violations by the other professional.

I. 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.

J. 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.

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

L. 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.

M. 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 this part according to Minnesota Statutes, section 148B.07, subdivision 4.

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

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

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

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Q. A therapist must make certain that the qualifications of a person in a therapist's employ is a student, independent contractor, or an intern represented in a manner that is not false, misleading, or deceptive.

R. 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. 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 marriage therapist is bound by these ethics primarily. These ethics supercede any policies of an employer or contractor that may be contrary to the ethics in this part.

A. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of age, sex, race, national origin, religion, physical handicap, political affiliation, or social or economic status. In addition, a therapist must not discriminate on the basis of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a therapist shall make an appropriate referral.

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 therapist's professional judgment or increase the risk of exploitation.

C. A therapist must be careful to truthfully

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represent to clients facts regarding services rendered.

D. 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.

E. A therapist must not engage in sexual contact or other physical intimacies with a client. Sexual contact with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual contact after two years with a former client is prohibited:

(1) if the former client was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

F. 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. For purposes of this item, sexual harassment has the meaning given it in Minnesota Statutes, section 363.01, subdivision 10a.

G. A therapist must not use or exploit the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

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

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

J. 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

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professional.

K. 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.

L. 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.

M. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children under Minnesota Statutes, section 626.556 and vulnerable adults under Minnesota Statutes, section 626.557.

N. 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;

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(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.

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

Subp. 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 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. For purposes of safeguarding confidentiality, when seeing a couple or a family, a therapist must define who the "client" is as soon as it is possible to determine the client. For example, the therapist must define whether the couple or family, as a unit, is the client or whether the individuals who make up the couple or family are the clients.

D. When seeing a couple or a family, a therapist must inform the client, at the beginning of the relationship, what the therapist's procedures are for handling confidences from individual members of the family and for protecting individuals' privacy while safeguarding the integrity of the therapy process.

E. Whenever marriage and family therapy services are

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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.

F. 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.

G. 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.

H. 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.

I. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party supervisory observation of their sessions. The consent form should specify the purpose and proposed audience for the recording.

J. 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. 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 according to the requirements of the "Ethical Principles of Psychologists, General Principle 9: Research with Human Participants," American Psychological Association, as amended

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June 2, 1989. These requirements are incorporated by reference and are not subject to frequent change. The requirements were published in "American Psychologist" March 1990, Volume 45, Number 3, pages 390-395. They are available through the Minitex interlibrary loan system. Participation in research is voluntary.

5300.0360 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 admission to written examination fee, $200;

B. written examination fee, not to exceed $250;

C. application for licensure fee, $100;

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

E. application for licensure by reciprocity fee, $300;

F. annual renewal of license fee, $100;

G. late renewal fee, $50;

H. reinstatement of license fee, $150;

I. sponsor's application for approval of a continuing education course fee, $25;

J. penalty fee, $75;

K. duplicate license fee, $25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

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APPROVED AS TO LEGALITY

January 15, 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene N. Hatch
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 17 1991

Joan Anderson Growe
Secretary of State

3:54 P.M.

STATE OF MINNESOTA
COUNTY OF RAMSEY

MINNESOTA BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Rules Relating to the Licensure of Marriage and Family Therapists

STATEMENT OF NEED AND REASONABLENESS

oOo

I. Introduction.

The purpose of the Board of Marriage and Family Therapy is to protect the public by setting standards of qualifications, training, experience and ethics for those who seek to represent themselves as Marriage and/or Family Therapists.

The Minnesota Board of Marriage and Family Therapy is proposing rules relating to the licensure of marriage and family therapists, (Minnesota Rules pt. 5300.0100 to 5300.0360).

Minnesota Statutes 148B.29 - 148B.39 established the Minnesota Board of Marriage and Family Therapy. Authority for the Board to develop the details of its programs (most importantly the licensing of Marriage and Family Therapists) through rulemaking is contained under Minnesota Statutes, 148B.31 (1),(2),(4),(6),(7), 148B.33 Subd.2, 148B.37 Subd. 1(3), and 214.06 (1988).

II. SMALL BUSINESS CONSIDERATIONS

Under Minnesota Statues, section 14.115 a state agency is required to consider ways to reduce the impact of rules on small businesses. It is the Board's position that the rules will not affect small businesses since the licensure is for individuals,

not businesses. The licensure authorizes providers to practice marriage and family therapy independent of whether or not the services are performed as part of a small business.

Should the proposed rules be construed, in some way, as affecting small businesses, the Board, in its development of the rules has attempted to minimize any impact. The proposed rules address the definition of terms, clarify ambiguities in the law, define a code of ethics and establish procedures for the process of licensing. The Board believes that any perceived impact on small businesses would be in the areas of compliance, reporting requirements, and performance standards. These areas are established by statutory objectives and not by rule and are therefore, not subject to the Board's alteration or amendment.

Further, reducing the impact of the rules on small businesses would be contrary to the statutory objectives that are the basis for requiring the Board to license marriage and family therapists and enforce the requirements for marriage and family practice. It would also result in placing greater burden on those persons not considered "small businesses" when the work of the Board applies equally to all licensees without regard to their small business classification. Such a distinction, if reflected in renewal fees, for example, would be difficult to justify.

Potential licensees, regardless of whether they are considered as individuals or small businesses, will have participated in the rulemaking process and will continue to have the opportunity to participate throughout the permanent rulemaking process.

5300.0100 DEFINITIONS

Scope, under subpart 1, and the definitions beginning with subpart 2, are needed to provide consistent terminology for use by persons affected by the rules; to provide a basis for evaluating compliance with Minnesota Statutes and other rules promulgated by the State of Minnesota; and to identify and

clarify terms used in parts 5300.0110 through 5300.0360. Words or phrases used in a manner consistent with common usage are not defined.

Subp. 1. Scope. This subpart is necessary and reasonable for purposes of clarification only.

Subp. 2. Advertising. This definition is needed for clarification as to various forms of advertising. The Board attempted to be as inclusive as possible in an effort to avoid confusion. The Board holds this definition as reasonable in accordance to the title protection authority granted by the Legislature in Minn. Statute 148B.32.

Subp. 3. Applicant. This definition is needed to identify, with a single term, the individuals who are regulated by these rules.

Subp. 4. Board. This definition is reasonable because it refers to the law that created the Board of Marriage and Family Therapy and is necessary to avoid confusing verbiage.

Subp. 5. Certified professions or occupations. This definition relates to the Board's understanding of what fields of endeavor are comprised under Minn. Stat. 148.38 subd. 1 for exception from the licensure requirement. The Board believes that those professionals excepted from licensure but not excluded from practice, should be expected to demonstrate to a certifying, overseeing body, the professional's education, experience, competencies and assurance of continuing education. These are the same measures the Board seeks to use to regulate its licensees in an attempt to address the need for the protection of the public. The Board holds that the definition reasonably defines these exceptions while providing for sufficient safeguards for the public.

Subp. 6. Dual Relationship. This is needed for clarification of what constitutes a dual relationship. It is reasonable to identify any relationship that carries with it an imbalance of power since exploitation can only occur if an imbalance of power exists.

Subp. 7. Fee Splitting. This definition is necessary and reasonable for clarification purposes only.

Subp. 8. Licensee. This definition is necessary and reasonable as it is for clarification purposes only.

Subp. 9. LMFT. This definition is needed to clarify how licensees should hold themselves out to the public in a manner which differs from that of which are excluded from licensure but which may also deliver and advertise the delivery of marriage and family therapy services. The definition is reasonable because the title distinction denoting licensure will offer guidance to the public regarding a provider's accountability and achievements.

Subp. 10. Marriage and Family Therapy. This definition stands without further rationale as it is consistent to Minn. Stat. section 1488.29, subd.3.

Subp. 11. Postgraduate supervised experience. This definition is needed to further clarify this term as referenced in Minn. Stat. 148B.33. The definition is reasonable as the granting of a degree by an educational institution offers physical evidence of completion of graduate studies i.e. a transcript or diploma.

Subp. 12. Regionally accredited. This definition is needed to clarify what standards need to be met to qualify for regional accreditation. The Board holds this reasonable after carefully reviewing accreditation standards from several accrediting bodies, such as the North Central Association of Schools and Colleges and the Commission on Accreditation for Marriage and Family Therapy Education, and finding that procedures used by these bodies are viewed as national standards for accreditation.

Subp. 13. Sexual Contact. This definition is needed for clarification of the phrase sexual contact. It is reasonable because it is consistent with the definition in Minnesota Statutes 148A which is the statute that addresses action against psychotherapists, for sexual exploitation.

Subp. 14. Sexual Harassment. This definition is needed for clarification of the phrase sexual harassment. This is reasonable since it is consistent with the definition used in the Minnesota Human Rights Act, Minnesota Statutes Section 363.01 Subd. 10a.[1988]

Subp. 15. Supervisee. This definition is needed to abbreviate references in the rules to individuals being supervised or who have received supervision as required by Minnesota Statutes, section 148B.33 subd.1 (4). This definition is reasonable because it is consistent with the supervision requirements under Subp.10.

Subp. 16. Supervision. This definition is needed to clarify the full importance of the supervision relationship. It is defined according to national standards, as established by the American Association of Marriage and Family Therapy, that a supervisor is fully responsible professionally to insure ongoing auditing of the supervisee's practice. The Board holds reasonable that only face-to-face contact affords the supervisor and supervisee an opportunity for evaluation of such issues as transference and counter-transference, family of origin issues and other personal and professional issues that may have a bearing on the supervisees practice with clients.

Subp. 17. Supervisor. This definition is necessary and reasonable as it is for identification and clarification purposes only.

Subp. 18. Therapeutic deception. This definition is needed for clarification of the phrase therapeutic deception. It is reasonable because it is consistent with the definition set forth at Minnesota Statutes 148A.01, subdivision 8 (1988).

Subp. 19. Therapist. This definition is needed and reasonable because it is used interchangeably with licensee both in rule and in Minnesota Statutes 148B.29 through 148B.39.

Subp. 20. Variance. This definition is necessary and reasonable because it is for identification and clarification purposes only.

5300.0110 License requirement.

Subp. 1. License required. The Legislature has established, by statute, a framework for the regulation and supervision of marriage and family therapists. In Minnesota Statute 148B.29 through 148B.39, a particular scheme for the regulation of these professionals was enacted. The Board submits that the license requirement is authorized by statute and is demonstrably necessary and reasonable to regulate the profession of marriage and family therapy for the protection of the public.

Subp. 2. Engaging in marriage and family therapy practice. This provision is reasonable because it is for identification and clarification purposes only.

5300.0120 EXCEPTIONS TO LICENSE REQUIREMENTS.

This provision is reasonable because it is consistent with the definition of exceptions under Minnesota Statute 148B.38. Persons excepted from the licensure requirement are not prevented from doing the work of a marriage and family therapy nature, but are prevented from using the title marriage and family therapist or licensed marriage and family therapist. This is consistent with Minnesota Statutes 148B.32, subd. 2.

5300.0130 REQUIREMENTS FOR LICENSURE.

Subp. 1.A. Requirements. This requirement is reasonable because it is for clarification purposes.

B. This provision is for clarification purposes. It is reasonable to require that a licensee must have reached the age of majority in order to demonstrate, chronologically, an acceptable level of maturity. The age of majority is 18 years as established in Minnesota Statute Section 645.451 subd. 5 [1988].

C. This is reasonable because it is consistent with Minnesota Statute 148B.33 subd. 1(4).

D. This is reasonable because the most efficient way for the Board to determine moral character is through the

testimonials of people who are presumed to understand the serious nature of the Board's duties.

E. This is reasonable to insure that a licensee commits themselves to upholding the Code of Ethics and Standards of Practice as prescribed by the Board.

F. This is reasonable because it is consistent with Minnesota Statute 148B.33 subd. 1(7).

Subp. 2. This is needed for clarification. The Board holds this reasonable because the Board does not have the authority to vary or disregard the statutory requirements to issue a license.

5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

The educational requirements set by the Board were modeled after the requirements of the Commission on Accreditation for Marriage and Family Therapy Education (CAMFTE) which is the only accreditation body for marriage and family therapy educational programs nationally.

Subp. 1. Evaluation by board. This is needed to verify the educational requirements for licensure. It is reasonable to require that such transcripts be sent directly from the institution granting the degree because institutions granting the degrees can readily prepare such documentation and because it prevents the opportunity for applicants to tamper with the record. The requirement for verification of accreditation of the educational institution is consistent with Minn. Stat.148B.33 subd. 1 (5).

Subp. 2. Degrees; course work requirements. This is needed to resolve the dilemma of the shortage of doctoral and graduate degrees that are specific to marriage and family therapy. The Board used the categories that are required by the Commission on Accreditation for Marriage and Family Therapy Education (CAMFTE) along with the recommended number of courses to be required in each category. The number of course requirements was established by adopting either the minimum or

the mean of the recommended number of courses in the same categories required by CAMFTE.

The practicum requirement of 300 hours is reasonable since it is found to be standard to existing graduate programs around Minnesota even though CAMFTE requires 500 hours. Since most graduate programs in Minnesota are not specific to marriage and family therapy the Board found it reasonable to accept no more than 150 hours of that practicum to be in working with individuals. This 50% formula is the formula used by CAMFTE also. The Board also holds it reasonable to require that no less than 150 hours be with couples and families in recognition that marital and family therapy requires specialized skill and practice that cannot be gained in working with individuals.

Subp. 3. Proof of equivalency. It is necessary and reasonable to clarify that the burden is on the applicant to prove coursework equivalency since the applicant would have more ready access to their educational institution's course outlines and content statement. It would pose an overwhelming volume of work for the Board to be so responsible and could interfere with duties assigned to the Board through Minnesota Statute.

5300.0150 EXPERIENCE REQUIREMENTS.

Subp. 1. Supervised experience required. This provision is reasonable because it is consistent with Minnesota Statutes 148B.33 subd. 1 (4).

Subp. 2. Years of experience; computation. This definition was needed to clarify Minnesota Statutes 148B.33 subd.1 (4). The computation of 1000 hours is reasonable since it represents approximately half-time work. The Board holds this reasonable as this would not be punitive to doctoral students who may be spending time in the classroom, nor is it punitive to someone who wishes less than full time work. The Board also considers this reasonable for practitioners who spend half of their time working with individuals. The Board holds reasonable that requiring half-time is an acceptable national standard as

required for clinical membership in the American Association of Marriage and Family Therapy. To allow for less than that may not offer the practitioner the quality of experience necessary to become skilled in the practice of marriage and family therapy.

The statement "over a period of not less than 24 months." is reasonable as it is for clarification purposes only.

Subp. 3 Clinical client contact; requirements. This requirement is needed to assure that a practitioner has had experience in working with the dynamics that present when doing therapy with couples and families. This is reasonable that a practitioner must have clinical experience with the dynamics of dyads and families to fully understand the field of marriage and family therapy. The Board also holds this reasonable as it allows one-half of a person's practice to be with individuals and still be counted. This is representative of the Board's understanding that assignment of caseload may not be fully under the individual's control. The 500 hours of clinical client contact is reasonable because it is the same as is required for internship through the Commission on Accreditation for Marriage and Family Therapy Education.

Subp. 4. Supervision; setting. This is needed for clarification of the supervisory reference in Minnesota Statute 148B.33 (4).

A. This provision is needed for clarification. It is reasonable because it is widely recognized in the field of marriage and family therapy that a practitioner's own personal issues may affect their effectiveness in a therapy relationship. The Board believes that the setting where these issues may be most effectively realized and dealt with is in an individual setting. The Board holds it reasonable that this setting may include two supervisees without compromising the opportunity for the aforementioned issues to be addressed.

B. This provision is needed to distinguish between group and individual supervision. It is reasonable as it recognizes that it is an accepted standard of practice to use group

supervision, and that this form of supervision offers supervisees an opportunity to avail themselves of feedback from more that one source. The limitation of no more than six supervisees is also reasonable as this is consistent with the national standard established by the Commission on Accreditation for Marriage and Family Therapy Education.

Subp. 5. Supervision requirements. This provision is needed to establish the minimum requirements for supervision.

A. and B. This is reasonable since it requires one hour of supervision per week, allowing for a standard two week vacation time per year. Requiring face-to-face contact is reasonable since this allows for feedback of non-verbal communication which is necessary to recognize the full impact on the supervisee. It is reasonable to require at least 100 hours of individual contact to provide a more secure setting for a supervisee to discuss personal issues that may have an impact on their practice.

C. This provision is reasonable since it allows the supervisor to more fully experience the supervisee's methods and does not rely solely on the supervisee's interpretation.

Subp. 6. Verifying supervised experience. This provision is reasonable since it is a procedure to verify that all requirements have been met to the satisfaction of the rule.

5300.0160 REQUIREMENTS FOR THE SUPERVISOR.

This is needed to establish the basic expectations the Board holds for the role of a supervisor.

A. This provision is reasonable since the supervisor must have a competency in marriage and family therapy in order to understand the unique body of knowledge required and to be able to teach those theories and skills.

B. This provision is reasonable since it insures that the supervisor has skills that are above that expected of the licensee. The requirement of 3 years and 3000 hours of experience were modeled after the requirements of that of a

clinical supervisor status for the American Association of Marriage and Family Therapy yet are not quite as stringent as those.

C. This provision is reasonable since it recognizes the special skill required in supervising and is consistent with the requirements of the Commission on Accreditation for Marriage and Family Therapy Education.

5300.0170. RESPONSIBILITIES OF SUPERVISOR.

This provision is needed to give minimal guidance to the responsibilities of a supervisor. The Board holds this reasonable because a supervisor must be in a position to offer enhancement of the supervisees knowledge and skills. Therefore it is a minimal expectation that a supervisor be knowledgeable of effective skills and important literature with which to direct the supervisee.

5300.0180 LICENSURE PROCESS.

Authority for the Board to develop this process is granted under Minnesota Suatute 148B.31(2).

5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subp. 1. Information Required. This provision is needed and reasonable to identify and clarify the administrative process the Board has established for written examination admission.

Subp. 2. Verification of information; Board's powers. This provision is reasonable to clarify the Board's authority and responsibility to guard against fraudulent attempts at admission.

Subp. 3. Time requirements. This provision is needed for clarification. It is reasonable to allow six months to complete an application since the information required should be readily available to the applicant upon their request. This would allow for more streamlined office procedures necessary to assure competent functioning of the office.

Subp. 4. Admission to written examination. This provision is needed for clarification. It is reasonable to allow 60 days since this is the time line the Board must follow to order the proper number of exams.

Subp. 5. Denial of admission to written examination. This provision is needed for clarification of reasons for denial. It is reasonable since it must be established that an applicant is eligible for licensure upon successful completion of the examinations. Due to the sensitivity of the testing security only eligible candidates are allowed to sit for the examination under the presumption that they fully intend to be licensed after successful completion of all requirements. It is also reasonable to treat applications submitted after a denial as new applications because it is assumed that this means the introduction of new information to meet basic requirements. Since the information required is clarified and made available to the applicant, no one should expect to make application unless they are confident they meet requirements. It is reasonable since the Board cannot be expected to keep open applications while the applicants complete requirements. This would not be in the interest of fairness to applicants who strove to complete all requirements in good faith.

5300.0200 PROCEDURES FOR ADMISSION TO LICENSURE.

Subp. 1. A. Information required. This provision is needed for clarification purposes. It is reasonable to require documentation of successful completion of the exam since it is a requirement of licensure.

B. This is reasonable as it proves, in a formal fashion, that an applicant has read and is willing to practice within the rules and Code of Ethics as written by the Board.

C. This provision is needed for clarification only.

D. This provision is needed for clarification and is held reasonable as it is consistent with Minnesota Statute 148B.33 Subd. 1. (4).

E. This provision is needed to clarify Minnesota Statute. 148B.33 Subd. 1. (2). It is reasonable to leave the burden on the applicant to supply two endorsers. In order to place the Board in a more formal verification stance with endorsers, it is reasonable that a form be supplied by the Board and that it be notarized to guard against fraud.

Subp. 2. Verification of information; board's powers. This provision is needed to identify and clarify. It is reasonable that the Board may request to verify information submitted to attempt to insure that licensees are qualified and reputable, in an effort to protect the public from fraudulent licensees.

Subp. 3. Denial of admission to licensure. This provision is reasonable. The Board has been granted the authority to issue licenses to those who meet the requirements. Conversely, it is the Board's responsibility to deny licensure to those who do not meet all the requirements. New applications will contain new information and, therefore, it is reasonable to treat them as a new application to minimize any bias on the part of the Board. It is also reasonable to have the applicant bear the cost of reapplying since it is clearly their duty to get, to the Board, all the proper documentation. Failure on their part to do so would, logically, then be the applicant's responsibility to repay the administrative costs to process another application.

5300.0210 CONCURRENT APPLICATIONS FOR EXAMINATION AND LICENSURE.

This provision is needed for identification and clarification purposes only.

5300.0230. REQUIREMENTS FOR ENDORSEMENT.

Subp. 1. Endorser; requirements. (A and B) This provision is reasonable as endorsers are a recognized avenue to attest to good moral character required in 148B.33 (2). The Board also holds it reasonable because requiring the endorser to be licensed by the Board of Marriage and Family Therapy attempts to insure

that the endorser is aware of the Board's serious attitude in regard to protection of the public by their own reading of the rules and licensure process.

Subp. 2. Limitations. This provision is reasonable since the applicant should have no power or coercive effect over an endorser so that endorsements are given with sincere regard.

5300.0240. EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subp. 1. Written and oral examination required. This provision is needed to clarify reference to examinations in Minnesota Statutes 148B.31(2). The authority to establish exam procedures was granted to the Board by the Legislature in Minnesota Statutes 148B.33 subd. 1 (7). It is held reasonable that the Board should use the examination approved by the American Association of Marriage and Family Therapy Regulatory Boards since most states that license marriage and family therapists use this examination. This will allow for the licensee to transfer their examination scores to most other states and will help to prevent them from having to retest in the case of reciprocity. It is also reasonable since the AAMFTRB bore the financial burden to locate and contract with a reputable testing service. To have the Board do their own search would unfairly financially impact on the licensees. The American Association of Marriage and Family Therapy Regulatory Boards is an association of all states (if members) who license marriage and family therapists. The Minnesota Board is a member of that Association and has representation on its board.

B. This provision is reasonable since oral examinations are a widely accepted and utilized form of examination giving the Board the opportunity to meet the applicant and examine the applicant more closely on such areas as are listed in Subp. 4 below.

Subp. 2. Examination Fee. This provision is needed to clarify the expectation of the applicant. It is reasonable because the Board pays for each exam it orders to administer.

The Board may assess a small fee to help defray the costs of the direct administration of this examination.

Subp. 3. Written part of examination. This provision was analyzed in 5300.0240 Subp. 1. It is reasonable to offer the test twice as year according to national procedure. The examination, by contract, is not available at other times during the year.

Subp. 4. Oral part of examination. This is needed to further define the oral examination part of the licensure requirements. Subp. 4. (A),(B),and (C). are reasonable because it tests the licensee's knowledge of laws and ethics that are more germane to the Minnesota Board of Marriage and Family Therapy than a national written exam would be expected to be. Since protection of the public is the Board's main focus, it is reasonable to assure that licensee's have full knowledge and understanding of the laws and ethics that are established to protect the public.

D. This is needed to allow the Board flexibility in the rule to establish examination questions that stay abreast with the field of practice. This is reasonable since the Board has a responsibility to establish a licensee's knowledge of the field of marriage and family therapy as defined in Minnesota Statutes, section 148B.29, subd. 3.

Subp. 5. Notification procedures. This is needed for clarification purposes. The thirty day notification requirement is reasonable as it should allow a licensee ample time to prepare and schedule time. For preparation purposes an applicant will receive the rules upon making application and will be apprised through Rule 5300.0240 as to the requirement of examination and generalized areas of examination.

Subp. 6. Passing score required on examination. This is needed to clarify the establishment of passing scores on each part of the licensure examination. The Board contracts with the American Association of Marriage and Family Therapy Regulatory Boards, who in turn, contracts with Professional Examination

Service to devise a testing instrument. Part of those contracts is the establishment of a passing (cut) score. The Board holds it reasonable to use that score to enable the licensees to more easily take advantage of reciprocity agreements.

For the purposes of the oral examination the Board feels it reasonable and within their authority as granted in Minnesota Statute 148B.31 to establish a passing score since the Board will be the creators of this exam.

Subp. 7. Reexamination permitted. This is needed to let an applicant know of reexamination opportunities. It is reasonable to allow an applicant an opportunity to retest to allow for increased preparation time. Since the Board must pay for each test instrument individually, it is reasonable to expect the licensee to bear the cost of that instrument. It would not be reasonable for the Board to bear the cost, as those expenses, through license fees would need to be borne by all licensees equally, which is not their responsibility. It is also reasonable for the Board to establish a maximum amount of attempts since this may indicate the need for an applicant to receive further formal education before pursuing licensure. An applicant may apply for variance to prove to the Board good cause to be allowed to continue attempts to pass the exam. Allowing five times is reasonable since it reflects the maximum amount of times that the exam could be administered during an applicant's supervision time.

5300.0250 RECIPROCITY.

Subp. 1. Other states recognized. This is needed to clarify the requirements of reciprocity. It is reasonable to require that the other state's standard are equal to or exceed those of Minnesota to make the requirements equitable for all licensees, and to maintain practice standards in Minnesota. This is consistent with the requirement in 148B.35.

Subp. 2. Application required. This is needed to clarify the procedure for application for reciprocity. It is reasonable

to require the same data gathering for all licensees so that the Board can ascertain the qualifications of all applicants. Reciprocity candidates should be expected to produce the same evidence as a Minnesota applicant to receive the same license and the same right to practice. The fee reasonableness will be addressed in the reciprocity fee section.

Subp. 3. Verification from other state required. This is needed to clarify the procedure for verifying present licenses held. It is reasonable that the Board is able to examine license documents to verify that there is a current license and that there are no disciplinary measures pending or restrictions on a practice. This is meant to discourage a therapist from establishing practice in this state to avoid sanctions in another state. The requirement that the documents be sent directly is reasonable to minimize the opportunity for fraud. Both of these requirements were established for the protection of the public.

Subp. 4. Discipline action in another jurisdiction; effect on licensing. This provision is needed to clarify the Board's position on discipline action by other states. The authority for this provision is given in Minnesota Statute 148B.12 and 148B.37.

Subp. 5. Proof of equivalency. This is to clarify the responsibility of the applicant and the Board. It is reasonable since an applicant is making a request of the Board and therefore should bear the responsibility of fully informing the Board of all requirements. This information should be readily available to the licensee.

5300.0260 TERM OF LICENSE.

Subp. 1. Effective date. This is reasonable as it is for identification and clarification purposes only.

Subp. 2. Initial licensure period; term of license. This is needed for clarification of the initial term. The Board holds this reasonable because it is designed to assist in the orderly issuance of renewals. This will allow for all renewals

to be processed at the same time each year. The initial year license fee is pro-rated.

5300.0270 DISPLAY OF LICENSE.

This is needed to set a policy of uniform display of licenses so that the public may have the opportunity to inspect the licenses. This is held reasonable since the prominent display of certificates makes it more convenient for the public to inform themselves of a therapist's credentials. It is also reasonable to require a fee for a duplicate license since the Board bears the cost of the design of each individual licensee. It is also reasonable to issue duplicate licenses that are clearly denoted as duplicate in order to minimize the ability to counterfeit licenses.

5300.0280 RENEWAL OF LICENSE.

Subp. 1. Renewal every year. This is needed to clarify the renewal term and process. The Board holds it reasonable to require yearly renewals to insure the on-going commitment to continuing education and to keep records on licensees reasonably up-to-date.

Subp. 2. Notice of renewal. This is needed to clarify the responsibilities and roles of the Board and the licensee in the renewal process. The Board holds it reasonable to leave the responsibility of renewal, ultimately, with the licensee as the licensee should be aware and committed to the licensure process to be knowledgeable of their renewal responsibility without need of reminder. It is reasonable to require that a licensee submit updated addresses to the Board within 45 days to insure the Board may contact a licensee within a short period of time should the need arise.

Subp. 3. Renewal application required. This is necessary to clarify the time process for renewals. The Board holds it reasonable to require renewal application be in by the

final day of the licensure period to clearly identify the licensure period. This attempts to avoid licensees from practicing, without penalty, on an expired license.

Subp. 4. Fee. It is reasonable for the Board to assess a renewal fee to cover the administrative costs of processing the information and issuing the renewal. Discussion of this document will be contained in part 5300.0360.

Subp. 5. Affirmation. This is for clarification purposes only.

Subp. 6. Late fee. This is needed to explain the penalties for late renewal. This is reasonable because the burden is on the licensee to renew in a timely fashion. The late fee establishes an incentive to renew on time. Since the Board has set one renewal date for all licensees and that date is the logical date of the last day of the year it is also arguable that any failure to renew is due to licensee neglect of responsibilities. Assessing a fee gives a clear sanction against practicing with a lapsed license. Discussion of the fee amount will occur in 5300.0360.

5300.0290 FAILURE TO RENEW.

Subp. 1. Procedures. This is for identification and clarification purposes only.

Subp. 2. Expiration of license. This provision is to needed to give notice of the consequences of failing to renew. This is reasonable since the it is the responsibility of the licensee to insure that they have renewed before December 31 of each year.

5300.0300 REINSTATEMENT OF LICENSE.

Subp. 1. Requirements for reinstatement. This is needed to identify the conditions under which a license may or may not be reinstated.

A. This provision is reasonable because considers the Board's authority in regard to disciplinary actions as granted in Minnesota Statutes 148B.37. and 214.06.

B. This is reasonable to protect the public against the unlicensed practice of marriage and family therapy.

C.,D.,E.,F. are reasonable to clarify the process necessary for reinstatement.

Subp. 2. Expiration of less than five years. This is needed and reasonable to make a reinstatement provision for those licensees, who for up to five years, wish to leave practice in Minnesota with intent to return. This makes a provision for those people that would allow them to reinstate their license without retaking the required exams. It is reasonable to expect these licensees to continue with the required education in order to keep abreast of trends in the field. It is also reasonable to assess the fees prescribed so that the decision to allow a license to expire is made with serious contemplation and not simply through neglect of a licensees responsibility to the Board. This also reflects a protection to the public issue whereby this discourages therapists from attempting to be out of the jurisdiction of the Board to engage in activities that may otherwise be seen in violation of the rules.

Subp. 3. Expiration of five years or more. This is needed to clarify the consequences of allowing a license to expire for over five years.

A. The Board holds this as reasonable because after that length of time out of the field of practice an applicant needs to be able to demonstrate through formalized testing that they have kept up to trends and laws in the field. Therefore, they should be able to demonstrate that they are able to pass an exam with the same body of knowledge as new licensees.

B. and C. These provisions are reasonable because they impose no more burden on the licensee than the reinstatement for less than five years provision holds.

Subp. 4. Practice without a license. This is needed to identify the statutory violations of practicing without a license. It is reasonable for the Board to seek disciplinary action against someone who may be practicing without a license.

Subp. 5. Effect of reinstatement. This is for identification and clarification purposes only.

5300.0310 VOLUNTARY TERMINATION OF LICENSE.

This is needed for clarification of a voluntary surrender of license process. The Board holds this rule reasonable since it is the right of the licensee to surrender a license at any time. It is also reasonable for the Board to deny voluntary surrender if a complaint is pending to prevent licensees from attempting to avoid regulation or disciplinary action by moving beyond the jurisdiction of the Board. This is reasonable to further ensure the protection of the public.

It is also reasonable to allow reinstatement of a voluntary termination status without the late fees, as a voluntary reinstatement does not represent a neglect of a licensee's responsibility to the Board. Rather, voluntarily terminating according to rule demonstrates a clear sense of responsibility, to the Board, on the part of the licensee.

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

Subp. 1. Continuing education required. This is reasonable because it is consistent with Minnesota Statutes 148B.31 (7).

Subp. 2. Number of hours required. This is needed to clarify the number of hours required. It is reasonable to require 15 hours since this allows for two one-day sessions of seven and one-half hours each (The Board does not credit lunch or break hours). The standard for license professions, in Minnesota, is for 15-16 hours yearly as evidenced by review of other permanent rules of regulatory boards.

It is reasonable to wave the continuing education requirement for the initial licensure period. Since this period is pro-rated from the date of licensure, it is conceivable that a licensee may not have adequate time to acquire these credits.

Subp. 3. Documentation of courses. This is needed to identify the verification of credit procedure. It is reasonable to ask for documentation other than registration materials as the Board needs evidence of actual attendance and completion of the required hours. The requirement of forms supplied by the Board is reasonable as it minimizes the opportunity to submit fraudulent documentation by requiring more specific knowledge and documentation of the course.

Subp. 4. Courses; board approval required.

A. This is reasonable because the Board can only recognize education that is related to marriage and family therapy, or psychotherapeutic practice. Other types of education may be for personal enhancement but would hold no relevance to the licensure.

B. This is reasonable since the Board only recognizes structured educational experiences for continuing education. The evidence of sound educational principles would distinguish the course from something more social or self-directed in nature.

C. This is reasonable since clinical time is traditionally measured in 50 minute hours.

D. This is reasonable since it is a clarification of topics required in the core requirements of the Commission on Accreditation for Marriage and Family Therapy Education.

E. This is reasonable since an instructor who lacks the proper credentials could possibly negate the educational experience.

Subp. 5. Committee evaluation. This is for clarification of the course evaluation procedure. The Board holds this reasonable as a committee determination will allow the full Board to address more emergent issues. It is reasonable for the Board to utilize non-board members who have expertise in education and

training to help the Committee make more informed decisions. It is implicit that the Board retains final decision-making that can supersede committee recommendations since the Board always retains responsibility and accountability for decisions within its jurisdiction.

Subp. 6. Sponsor's application for course approval. This is needed for clarification of requirements and procedure. The Board finds it reasonable to request detailed information from a sponsor to enable the Board or its committee to make a more informed decision of approval.

A. This provision is for clarification only.

B. This is reasonable since it is the same information required from sponsor's for course approval. It is reasonable to require a certificate of attendance to verify a licensee's actual attendance.

C. This provision is needed to address the expectations the Board has for on-going courses and identifies the Board's role in the issue. It is reasonable to set a one-year approval term because less than that would prove too cumbersome for the sponsor yet over one year may not account for a change in instructor and, therefore format, that may naturally occur with the onset of a new school year. It is reasonable to require an approval fee with each application to attempt to let the sponsor bear the financial burden of the administrative processing of the application.

C. 1. This is for identification purposes only.

C. 2. This provision is reasonable since any substantive changes could result in the course not meeting the requirements for approval as established in 5300.0320 Subp. 4. (A through E).

D. It is reasonable that the Board should give formal notice for a sponsor so that they may assure registrants of Board approval or apprise them of a disapproved status.

E. This is reasonable since the process of approval implies the inverse decision of denial. It is reasonable since

the denial will be based on the same criteria as any approval granted.

F. This is necessary and reasonable since the Board must be able to take action against fraudulent claims since this may render a course of no useful value to the licensee's professional enhancement. This ensuring of professional enhancement is one way for the Board to attempt to carry out its mission of protecting the public.

Subp. 7. A licensee's application for course approval. It is reasonable to expect a licensee to get individual approval for a course before renewal period since it would be administratively cumbersome to review all continuing education at the renewal time. It is reasonable to require the submission of the information requested in order to assist the Board or its committee to hold the request up to the same criteria required of sponsors. The information required in Subp. 7. (A. 1 through 4) is information standard to most promotional brochures so should be readily available to the licensee.

B. This is needed to indicate the Board's direction regarding course approval.

C. This is needed for clarification of procedures only.

Subp. 8. Sources of credit. This is needed to identify the type of continuing education mediums acceptable to the Board. The Board holds this reasonable because these are the only settings which afford the Board the information required in Rule 5300.0320 Subp. 3., 4. (A through C),6.(A and B) and Subp. 7. The Board holds to be reasonable not to allow for self-study or undirected study because there would be no secondary validation source to determine completion, relevance or time spent. The Board cannot put itself in a position of reviewing all printed materials in the field and then making value judgements as to whether they meet criteria. The Board also holds it reasonable to exclude publications or presentations made as this only reflects a licensee's current body of knowledge, not an enhancement thereof. The mediums set forth in Rule are more

formalized, therefore verifiable means of fulfilling the continuing education.

Subp. 9. Hours of credit. This is for clarification purposes only.

Subp. 10. Exemption from continuing education requirements. This is needed to identify exemptions from continuing education criteria. The Board holds it reasonable to exempt a retiree or someone permanently disabled, who does not, in any way, engage in practice. Licensees may wish to keep their licensee status in order to continue to identify themselves as marriage and family therapists after employment. The Board feels that, in recognition to their contribution to the field, they should be allowed to do so without being forced to bear the financial burden of continuing education. The Board also sees it reasonable, in the case of a disabled person, to require a doctor's notarized statement of disability in efforts to prevent fraudulent exemptions from continuing education.

Subp. 11. Discontinuance of exemption from continuing education requirements. This is needed to provide for someone resuming practice after an absence that meets the criteria of Rule 5300.0320 Subp. 10. This is reasonable because the Board feels that meeting the criteria of 15 hours per year for up to five years would serve to acquaint the licensee with changes and trends in the field. Since 15 hours only reflects two days of study, the Board believes this to be a minimal criteria because of the inherent limitations on the volume or depth of information that can be presented in that time period.

5300.0330 REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE.

Subp. 1. Board authority. This is reasonable because it is consistent with Minnesota Statutes 148B.05 and 148B.37 Subd. 1.

Subp. 2. Conviction of crime. This is needed to identify the statutes identified as "of a nature to render the convicted

person unfit to practice marriage and family therapy." Minn. Stat.148B.37(2).

Subp. 3. Probation. This is for identification and clarification. The Board is granted this authority in Minnesota Statute 148B.05 Subd. 1. by the language "In its discretion, a board may restore and reissue permission to provide services, but as a condition thereof may impose any discipline or corrective measure that it might originally have imposed."

Subp. 4. Suspended or revoked license; return to the Board.
This is needed to identify the expectation of the licensee after suspension or revocation of a license. It is held reasonable since a license certificate is the document used for public declaration and verification of licensure status, the immediate return requirement is designed to make more difficult the fraudulent declaration of licensure status. This is a reasonable step toward the protection of the public.

Subp. 5. Restoring a license. This is reasonable because it is consistent with Minnesota Statute 148B.37 Subd. 2. It is reasonable to apply applicable parts of Rule 5300.0300 to insure the applicant has not been practicing marriage and family therapy while under revocation and to insure the person has continued their education and is up-to-date with the trends in the field. It is reasonable to assess a fee to cover the administrative cost of the processing of this application and entire file as it would be an unfair expense to leave to the burden of all licensees since this situation came about solely by the actions of the named licensee.

5300.0340 VARIANCE.

Subp. 1. Variance; when allowed. This is needed to identify and clarify the opportunity for variance from the rules. It is reasonable to allow for variances since in the rule-making

process it is impossible for the Board to consider all situations that may arise. It is not within the Board's ability to vary from any statutory requirements. Minnesota Statutes 514.05 subd. 4 [1988].

A. The Board holds that it is reasonable to expect that any variance should meet or exceed to impact of the Rules since the Rules reflect the Board's minimum expectations.

B. This provision clarifies the basic rationale for filing for a variance. Evidence that the Rule imposes an undue hardship would be a necessary condition of consideration of the request to depart from the rules.

C. This provision is reasonable since the protection of the public is the Board's most serious charge.

Subp. 2. Petition; requirements. This is needed to clarify the information needed in a request for variance.

Subp. 3. Alternatives must be followed. This is needed to identify a licensees responsibility upon the granting of a variance. It is reasonable to expect completion of the alternatives since the request for variance was upon request of the licensee and reflected a willingness to perform the alternatives.

Subp. 4. Renewal; notice of change; revocation. This is needed to identify the types of changes that could occur with the variance. It is reasonable to consider the renewal of a variance if the same conditions exist that precipitated the granting of the variance as long as these conditions are not continuing because of a failure of the licensee to make corrective measures, if possible. It is also reasonable to require a licensee to apprise the Board of any change in conditions that affect the substance of the variance. This attempts to safeguard against misrepresentation of facts to the Board. Should the Board receive information that there has been a change in the circumstances that either changes the variance conditions in a way to violate Rule 5300.0340 Subp.1. (A through C) or may show to the Board an attempt to defraud or misrepresent to the Board,

it is reasonable for the Boards to retain revocation powers.

Subp. 5. Burden of proof. This is reasonable to place the burden of proof on the licensee since the request and completion of variance conditions is initiated by the licensee and constitutes a request to the Board to depart from the Rules only for that licensee.

Subp. 6. Notice of variance; denial; revocation. This is for identification and clarification purposes only.

5300.0350 CODE OF ETHICS.

This is needed to provide guidelines for standards of practice that are acceptable to the Board and to the public. This code of ethics was modeled after the Code of Ethics of the American Association of Marriage and Family Therapists and the Minnesota Board of Psychology. The authority to adopt a code of professional ethics was granted in Minnesota Statutes 148B.31(6).

Subp. 1. Scope. This is for identification purposes only.

Subp. 2. Purpose. This is for clarification purposes only.

Subp. 3. Violations. This definition is needed for identification and to clarify what constitutes a violation.

Subp. 4. Integrity. This definition is needed for the clarification of integrity as it applies to this code of ethics. It is reasonable to expect that a licensee of the Board should practice with the utmost integrity to personally reflect the Board's commitment to protect the public.

A. It is reasonable to expect that a therapist makes a full and honest disclosure to the public about their skills and admits their limitation. A therapist who practices outside of their fields of competence could be placing their clients in a potentially dangerous position. The therapist should only practice within their training and acquired skill level to assure the safe delivery of their techniques and to place the client in

a position of receiving the maximum benefit of a therapeutic experience.

B. This is a reasonable since a therapist who supervises a trainee or intern takes responsibility for the practice of that trainee or intern to "see that all supervised work is conducted..., with adequate administrative and clerical controls" as detailed in Rules 5300.0170 (C).

C. This ethic is reasonable since the influence inherent in a teacher or mentor position may result in the student, intern, employee or supervisee being placed in a very psychologically vulnerable position. This presents an opportunity for exploitation by the teacher, supervisor or mentor to the detriment of the student. Also, the supervisor is expected, in part, to teach by example and is therefore expected to conduct themselves with the utmost respect and professionalism. It is reasonable to forbid sexual intimacy for two years after the termination of the teacher/student, supervisor/supervisee relationship because this is consistent with Minnesota Statute 148A. The Board holds it reasonable to compare the student/teacher, supervisor/supervisee relationship to be similar in its imbalance of power and to some degree the emotional dependence that is recognized in Minnesota Statute 148A between therapist and client.

D. This is needed to address the issue of sexual harassment of this category of relationship. This is reasonable since it is consistent with the prohibition of that behavior as cited in the Minnesota Human Rights Act Chapter 363.

E. This is needed to warn against other types of exploitative actions on the part of the therapist in a power position. Any activity that is designed to enhance the therapist's interests at the expense of a person mentioned in this rule would be unethical as it could be potentially harmful to the person of lesser position and would be modeling behaviors that could be harmful to the public if carried to that arena.

Since a supervisor or teacher is responsible to model the highest of professional behavior this would be opposed to that premise.

F. This is needed to clarify a therapist's responsibility to utilize the best available resources for a client and to assist the client accessing those resources. The Board holds this reasonable since a therapist should recognize their own limitations and the need for a client to receive services from a source not bound by those same limitations. It is also reasonable to require that a therapist make a referral to another professional upon request of the client. This represents respect for a client's freedom of choice and acknowledgement of their ability to be in charge of their own mental health. The Board does not hold it to be an acceptable argument that a client's third-party payor limits referrals since it is first, and foremost, the responsibility of the therapist to insure that the client is getting the services they require to assist them with their difficulties. Declaring immunity from this ethic is clearly promoting the therapist and payor ahead of the client and may also be seen as a violation of Rule 5300.0350 Subp. 8.(G).

G. This is needed to warn against accepting or offering payment for referrals. This is reasonable since this practice, commonly known as fee splitting, can result in the fraudulent representation of referral on the basis of need and service quality when, in fact, it is more designed to further the therapists financial interests. This is consistent with Rule 5300.0350 Subp. 4. (E) and Subp. 5. (F).

H. This is needed to clarify the responsibility of a therapist who knowingly receives another therapist's client into therapy. It is reasonable to expect immediate coordination of the case between therapists so that the chances of exploitation of the client is minimized. The Board holds that it would be harmful to the client to willingly engage in any deception or "secret keeping" with the client against another professional. It would be reasonable for a therapist to withhold their delivery of service from a client who refuses to allow consultation

between involved therapists, until the client further clarifies or terminates their relationship with the other professional or allows for consultation. It is also reasonable to waive the expectation for a brief period of time if the client is seeking assistance with a therapist who is allegedly exploiting the client in some way. In this case the second therapist may continue to see the client to assist them in terminating the relationship and in preparing reports to the proper disciplinary channels.

I. This is needed to set guidelines for interaction with and about other professionals. It is reasonable to expect that a therapist would be acquainted with a variety of treatment options and programs in their immediate area and with methods to secure more knowledge of options if necessary. It is also reasonable to prohibit disparaging comments about other professionals as this is poor modeling for the client and may be legally defamatory to the other therapist. Should the therapist have knowledge of unethical behavior of another professional a more appropriate vehicle for addressing that would be to make formal complaint to the professional's regulatory board.

J. This is needed to give the therapist some direction should they find themselves in a difficult life position that may have impact upon their performance and judgement. It is reasonable to expect a therapist to seek the same type of assistance that they are encouraging for their clients. It is also reasonable to expect that a therapist recognizes the potential influence their problems might have on their performance and judgement and the potential for inadvertent harm to the client. This rule clearly reflects the spirit of protection of the public.

K. This is needed to make a clear statement on the use of mood altering chemicals during practice or affecting practice hours. It is reasonable to expect that a therapist not engage in the use of mood altering chemicals whose affects would still be

present during their hours of practice since the risk of mental and or physical impairment is high during usage and detoxification time. This potential for impairment poses an clear danger for the client in being treated by someone who is not in full control of themselves as a result of usage of chemicals.

L. This is needed to make clear a therapist's relationship with a third-party payor. The Board holds it reasonable to expect that a therapist will still see the client as the person(s) they are responsible to and not to any third-party payor. Allowing the payor to exert undue pressure removes the objectivity from the therapist and therefore taints the therapeutic process. Allowing undue pressure on the part of a third-party payor is also in violation of Rule 5300.0350 Subp. 5 "A marriage and family therapist's primary professional responsibility is to the client."

M. This is needed to clarify a licensee's responsibility to the Board in the event of knowledge of unethical conduct of another therapist. It is reasonable to require reporting to the Board of suspected unethical conduct as the Board is reliant on outside reports to proceed with any corrective or disciplinary measures against errant therapists. It is also reasonable to expect that licensee's of the Board commit themselves to the protection of the public as reporting agents of the Board.

N. This is needed to establish a more generalized statement of misrepresentation and fraudulent action against the public or the Board. It is reasonable to expect that no misrepresentations or fraudulent activity be directed to the Board or the public. This reflects the Board's charge of protection of the public. It is also reasonable to assume that the Board must guard itself against these actions in order to more fully protect the public.

O. This is needed to prohibit improper advertising. It is reasonable to require that the public be truthfully apprised of therapist's circumstances so that they may make an informed

decision for themselves about the services they will seek and the therapists they will employ.

P. This is needed to clarify a therapist's role in the misrepresentation by others. It is reasonable to expect that the therapist take responsibility to correct any misinformation disseminated by other people as the therapist is responsible to see that they practice within the Rule and Code of Ethics established by the Board. This responsibility for misrepresentation is clearly stated in 5300.0350 Subp. 4.(O), and Subp. 5. (B). The Board also holds it reasonable to make the therapist responsible to correct other's misrepresentation in an effort to reduce the opportunity of purposely defrauding the public by using another agent to disseminate misinformation.

Q. This is needed to clarify the role of a therapist who is also an employer, in the proper representation of or by their employees. It is reasonable to hold a therapist responsible for the misrepresentation of their employee, student or intern since the position of employer or supervisor is inherent in taking responsibility for that person's professional conduct and the disciplining or educating of any unethical acts. This is not to be construed as releasing the employer or supervisor from their duty of reporting to the Board despite disciplinary actions already utilized by the employer or supervisor.

R. This is needed to define unprofessional conduct and to hold the therapist responsible to the Board upon engaging in such conduct. It is reasonable for the Board to have an opportunity to examine documentation of unprofessional conduct as defined by such organizations as, but not limited to the American Association of Marriage and Family Therapy or American Psychological Association. It would not be possible for the Board to create specific rules in a code of ethics that reflect every situation that might arise. Therefore, allowing the Board to examine complaints of unprofessional conduct that is not rule specific affords the Board greater ability to protect the public. It is also reasonable to expect that the suspected behavior be

recognized by some other professional body as not meeting professional standards so that the Board may not be seen as arbitrary in their evaluation of related complaints.

Subp. 5. Relations to clients. This is needed to clarify the therapist's first and foremost party of responsibility. This is reasonable as a therapist's position is to assist a client and to provide services for them, not to have any other agent supersede that. It is reasonable because a therapist is responsible for their own practice and their conduct within that practice. Violating these rules to comply with an agency or employer's policy or directives in no way releases a therapist from responsibility. The Board shall hold a therapist responsible for their actions despite any claim of undue influence.

A. This subpart is needed to clarify the expectation that once a therapist has accepted someone for treatment they should be free from discrimination. This does not presume to force a therapist to accept someone into treatment when the therapist recognized their own biases and actively refers someone somewhere else for services. This provision is reasonable because age,sex, race, national origin, religion, physical handicap, political affiliation, social or economic status, affectional preference, and choice of lifestyle should not affect an individual's rights to receive marriage and family therapy. It is also consistent with state and federal discrimination laws.

B. This is needed to clarify a therapist's responsibility to clients in regard to dual relationships. It is reasonable to prohibit dual relationships since they hold the opportunity for exploitation of the client. Dual relationships also blur the professional boundaries between client and therapist leading to increasing confusion for the client and providing for a non-therapeutic environment.

C. This is needed to clarify the responsibility of the therapist in the delivery of services to the client. It is reasonable to require a truthful disclosure of facts regarding

services rendered so that the client may make an informed decision as to the acceptance and involvement in such services. Non-truthful disclosure would be seen as purposefully fraudulent and exploitative of the client.

D. This provision is needed to establish procedures for full disclosure of fees. This is reasonable since a client may make a different decision based on the financial considerations of the therapy services offered. This is necessary to protect the public from fraudulent misrepresentation of cost of services.

E. and F. This is needed for client protection purposes. It is reasonable because it is consistent with Minnesota Statutes of the Criminal Code Chapter 148A.

G. This provision is needed for the protection of the client. It is reasonable to require that a therapist recognize their influence on a client and not exploit the client in any way.

H. This is needed for the protection of the privacy of the client. It is reasonable because it is consistent with the Minnesota Government Data Practices Act Minnesota Statutes Chapter 13.01 through 13.90. The Board holds it reasonable to require that all practitioners follow the Minnesota Government Data Practices Act since these principles were established clearly as a protection of the public.

I. This is needed for the protection of the client. It is reasonable to place the burden on the therapist to terminate a relationship that is no longer beneficial to the client. This is to attempt to prevent the exploitation of a client who may be subjected to unnecessary therapy for the personal or financial gain of the therapist.

J. This provision is needed to define and clarify impaired objectivity. It is reasonable to hold the therapist responsible to recognize when their objectivity has become impaired and to make provisions for the client to receive services elsewhere where that impairment does not exist. The

Board holds it reasonable to assume that any impaired objectivity could directly affect the client in a negative or harmful way. It is reasonable to require that the client be notified both verbally and in writing in order to minimize the sense of rejection that may accompany this type of situation. The client's clinical file should clearly reflect in writing the situation and reason for referral.

K. This is needed to clarify a therapist's role in a client's decision-making process. It is reasonable to provide that a therapist not make specific decisions or recommendations to a client. Due to the imbalance of power and the influential position of a therapist, any direct decision may seem like a mandate to the client and the relationship between therapist and client may well color their decisions about other issues. This influence is noted in Rule 5300.0350 Subp. 4.(B).

L. This is needed to raise the issue of impasses occurring in therapy due to personal beliefs of the therapist and the client. It is reasonable to hold the therapist responsible for the acknowledgement and discussion of those issues when they arise. Not coming forward with those issues may present the possibility of misplaced emotions being acted out destructively in the session to the detriment of the client. This concept was formalized by Dr. Sigmund Freud and is commonly referred to as transference and counter-transference.

M. This is needed for clarification purposes. It is reasonable since it is consistent with Minnesota Statue Chapter 626.556 (minor abuse reporting statute) and Minnesota Statute 626.557 (vulnerable adult reporting statute).

N. This provision is needed to clarify what information should be given to the client upon their first visit to the therapist. It is reasonable to include all of this information since it is consistent with applicable Minnesota Statutes as described in Rule and the Minnesota Board of Marriage and Family Therapy permanent rules (1990).

O. This is needed to identify a therapist's responsibility to the client and to the Board. This is reasonable since the client's only reasonable access to the reporting function of the Board may be the therapist. This further protects the public by dissemination of the information of the Board's regulatory function over the therapist.

Subp. 6. Confidentiality and keeping of records. This is needed for clarification purposes. Subp. 6. (A and B) are reasonable because they are consistent with the Minnesota Data Practices Act.

C. This is needed for process clarification. Since the practice of marriage and family therapy is different than individual therapy there may exist a confusion as to who the identified client is. This should be clarified by the therapist as soon as possible with the applicable confidentiality safeguards and record keeping implications.

D. This is needed to clarify the therapist's responsibilities to delineate their procedure in couple's therapy. It is reasonable to require that a therapist do so as there are many ways to address this issue as long as a therapist stays within the statutory limits and a client should be fully informed of those procedures so that they can make an informed decision about their involvement with that therapist.

E. This provision is needed for clarification and is reasonable because it is consistent with Rule 5300.0350 Subp. 4. (L).

F. and G. This provision is needed for clarification of record keeping procedures in order to protect the client's privacy. It is reasonable because it is consistent with Minnesota Data Practices Act.

H. This is needed for clarification purposes only. It is reasonable to require this as the Board must have access to client file for some violations in order to conduct a complete and thorough investigation of alleged violations. The

disciplinary process of the Board is one of its chief vehicles for the protection of the public.

I. This provision is needed to clarify the procedure for electronically recording sessions or using observers. It is reasonable to require written, informed consent as both of these constitute a violation of privacy and therefore should only be done with a signed consent. The electronically recorded instruments should be recorded only after a client has been fully informed as to its future use and audience. This is reasonable to protect the privacy rights of the clients.

J. This provision is needed and reasonable to insure protection of the privacy rights of the client.

Subp. 7. Research. Is needed to protect the rights and dignity of human research subject. It is reasonable to refer to the general principles of the Code of Ethics for the Minnesota Board of Psychology since the American Psychological Association sets the national standards for research with human subjects. These standards are revisited and updated every two years.

5300.0360 FEES.

This part is needed because Minnesota Statutes, section 148B.17 requires that the Board establish fees by rule, including late fees, for licenses or filings or renewals. The amount of fees collected must, as closely as possible, equal anticipated expenditures during the fiscal biennium (Minnesota Statutes, sections 214.06, and 16A.128, subdivision 1a, and 148B.17), including the prorated costs of the office of social work and mental health boards.

It is reasonable to make fees non-refundable because, regardless of the outcome of an application, the Board still must cover the cost of administering the application, verifications, and examinations.

The amount of the fees are reasonable because they are consistent with the number of license applications received, the number of applications approved for licensure, the anticipated

renewal cycle for licensees and the resources needed to process those applications.

The examination fee is set by the examination service and therefore is a matter of contract negotiations between the American Association of Marriage and Family Therapy Regulatory Boards, the Board and the exam service. The Board assesses a small fee to offset the administration costs.

It is reasonable to have a separate application fee and license fee because the costs of licensure should not be imposed on individuals whose application does not result in licensure of that applicant. An application that does not result in licensure does not result in additional expenditures by the Board.

The "fee review" statement, which is required to accompany this statement of need and reasonableness, is attached as Appendix B.

EXPERT WITNESSES:

The Board of Marriage and Family Therapy plans to have expert witnesses, who are not members of or employees of the Board, testify on behalf of the Board should a public hearing be required. All of the individuals will testify regarding the rules in total, respond to questions, and summarize why, from their perspective, that the rules in total are necessary and reasonable. The names and addresses of the expert witnesses can be found in Appendix A.

Date:

Sharon Davern-Fecker, Chair
Board of Marriage and Family Therapy

APPENDIX A

EXPERT WITNESSES

Michael Metz, PhD.
Program in Human Sexuality
Department of Family Practice and Community Health
University of Minnesota Medical School
2630 University Ave. S.E.
Minneapolis, MN 55414

Burton Nolan, PhD
College of St. Thomas
2115 Summit Avenue
St. Paul, MN 55105

Max Hines, PhD
3058 Hayes St. N.E.
Minneapolis, MN 55418

Wm. J. Doherty, PhD.
Professor and Director of the Marriage and Family
Therapy Program
Family Social Science Department
University of Minnesota
290 McNeal Hall
St. Paul, Mn 55108

Karen Irvin, M.A.,L.P.
23 Empire Drive
Suite 288
St. Paul, MN 55103

Wm. H. Percy, PhD,L.C.P.
906 East Minnehaha Parkway
Minneapolis, MN 55417

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

January 2, 1991

Patty Nolte
Office of the Attorney General
Public Finance Division
525 Park Street
Suite 500
St. Paul, MN 55103

Dear Ms. Nolte:

Enclosed herewith are required documents in the matter of the proposed adoption of the permanent rules of the Minnesota Board of Marriage and Family Therapy for your review.

The required documents are as followings:

A. not applicable;
B. not applicable;
C. Authorizing Resolution, July 20, 1990;
D. Proposed Permanent Rules, July 9, 1990;

E. Alternative Notices;
F. Statement of Need and Reasonableness;
G. Affidavit of Mailing and Witness List;
H. Photocopy of rules printed in the State Register, October 22, 1990 Volume 15, Number 17;

I. Four copies of the ~~proposed~~ adopted permanent rule, November 26, 1990;
J. Resolution Adopting Rules;
K. Finding of Fact;
L. Public Comments received by the Board;

M. Declaration of Counsel;
N. Not Applicable;
O. Not Applicable.

In addition, I have enclosed letters relating to the proposed adoption of the permanent rules to Senator Gene Merriam, Senate

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Finance Committee; Representative Wayne Simoneau, House Committee of Appropriations; and Maryanne Hruby, Legislative Commission to Review Administrative Rules.

If you have any questions or need additional documentation, please feel free to contact the Board office at (612) 643-3667.

Sincerely,

Sharon Davern-Fecker, Chair
Board of Marriage and Family Therapy

SDF/cms
enclosure

process of providing professional marriage and family psychotherapy to individuals, married couples, and family groups, either singly or in groups. The practice of marriage and family therapy utilizes established principles that recognize the interrelated nature of the individual problems and dysfunctions in family members to assess, understand, and treat emotional and mental problems. Marriage and family therapy includes premarital, marital, divorce, and family therapy, and is a specialized mode of treatment for the purpose of resolving emotional problems and modifying intrapersonal and interpersonal dysfunction.

History: *1987 c 347 art 3 s 1*

148B.30 BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS.

Subdivision 1. **Creation.** There is created a board of marriage and family therapy that consists of seven members appointed by the governor. Four members shall be licensed, practicing marriage and family therapists, each of whom shall for at least five years immediately preceding appointment, have been actively engaged as a marriage and family therapist, rendering professional services in marriage and family therapy. One member shall be engaged in the professional teaching and research of marriage and family therapy. Two members shall be representatives of the general public who have no direct affiliation with the practice of marriage and family therapy. All members shall have been a resident of the state two years preceding their appointment. Of the first board members appointed, three shall continue in office for two years, two members for three years, and two members, including the chair, for terms of four years respectively. Their successors shall be appointed for terms of four years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member whom the newly appointed member succeeds. Upon the expiration of a board member's term of office, the board member shall continue to serve until a successor is appointed and qualified.

Subd. 2. **Transition provision.** Notwithstanding subdivision 1, members of the first board appointed need not be licensed under sections 148B.29 to 148B.39, but shall meet all qualifications, other than payments of fees, so as to be eligible for licensure under sections 148B.29 to 148B.39.

Subd. 3. **Officers; staff.** The board shall annually elect from its membership a chair, a vice-chair, and secretary-treasurer, and shall adopt rules to govern its proceedings. The board shall appoint and employ an executive secretary who shall not be a member of the board.

Subd. 4. **Membership terms; compensation and removal.** The membership terms, compensation, and removal of board members is governed by section 15.0575, unless superseded by this section.

History: *1987 c 347 art 3 s 2*

148B.31 DUTIES OF THE BOARD.

The board shall:

(1) adopt and enforce rules for marriage and family therapy licensing, which shall be designed to protect the public;

(2) develop by rule appropriate techniques, including examinations and other methods, for determining whether applicants and licensees are qualified under sections 148B.29 to 148B.39;

(3) issue licenses to individuals who are qualified under sections 148B.29 to 148B.39;

(4) establish and implement procedures designed to assure that licensed marriage and family therapists will comply with the board's rules;

(5) study and investigate the practice of marriage and family therapy within the state in order to improve the standards imposed for the licensing of marriage and family therapists and to improve the procedures and methods used for enforcement of the board's standards;

148B.35 RECIPROCITY WITH OTHER STATES.

The board shall issue a marriage and family therapist's license to an individual who holds a current license as a marriage and family therapist from another jurisdiction if the board determines that the standards for licensure in the other jurisdiction are at least equivalent to or exceed the requirements of sections 148B.29 to 148B.39 and the rules of the board.

History: *1987 c 347 art 3 s 7*

148B.36 NONTRANSFERABILITY OF LICENSES.

A marriage and family therapy license is not transferable.

History: *1987 c 347 art 3 s 8*

148B.37 REFUSAL TO GRANT LICENSE; SUSPENSION OR REVOCATION OF LICENSE.

Subdivision 1. **Grounds for action.** The board may refuse to grant a license to, or may suspend, revoke, condition, limit, qualify, or restrict the license of any individual who the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) is incompetent to practice marriage and family therapy, or is found to engage in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public;

(2) is convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice marriage and family therapy. The board should compile, maintain, and publish a list of such crimes;

(3) has violated a provision of sections 148B.29 to 148B.39 or one or more of the rules of the board;

(4) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;

(5) has knowingly made a false statement on a form required by the board for licensing or license renewal; or

(6) has failed to obtain continuing education credits required by the board.

Subd. 2. **Restoring a license.** For reasons it considers sufficient and upon a vote of five of its members, the board may restore a license that has been revoked, reduce a period of suspension, or withdraw a reprimand.

History: *1987 c 347 art 3 s 9*

148B.38 EXCEPTIONS FROM LICENSE REQUIREMENT.

Subdivision 1. **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.

Subd. 2. **Students.** Nothing in sections 148B.29 to 148B.39 shall be construed to prevent marriage and family therapy practice by students or interns or individuals preparing for marriage and family therapy to practice under qualified supervision of a licensed professional, recognized and approved by the board in a recognized educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern," or other titles clearly indicating training status.

Subd. 3. **Federally recognized tribes and private nonprofit agencies with a minority focus.** The licensure of marriage and family therapists who are employed by federally

(6) formulate and implement a code of ethics for all licensed marriage and family therapists; and

(7) establish continuing education requirements for marriage and family therapists.

History: *1987 c 347 art 3 s 3*

148B.32 PROHIBITIONS AND PENALTY.

Subdivision 1. **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.

Marriage and family therapy practice is not medical care nor any other type of remedial care that may be reimbursed under medical assistance, chapter 256B, except to the extent such care is reimbursed under section 256B.0625, subdivision 5.

Subd. 2. **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, is a psychologist licensed by the board of psychology with a competency in marriage and family therapy, or is a person providing marriage and family therapy who is employed by a hospital licensed under chapter 144 and who is acting within the scope of the person's employment.

Subd. 3. **Penalty.** A person who violates a provision of sections 148B.29 to 148B.39 is guilty of a gross misdemeanor.

History: *1987 c 347 art 3 s 4; 1988 c 689 art 2 s 268; 1989 c 282 art 2 s 42*

148B.33 REQUIREMENTS FOR LICENSURE.

Subdivision 1. **Documentary evidence of qualifications.** An applicant for a license shall furnish evidence that the applicant:

(1) has attained the age of majority;

(2) is of good moral character;

(3) is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(4) has at least two years of supervised postgraduate experience in marriage and family counseling satisfactory to the board;

(5)(i) 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);

(6) 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; and

(7) has passed an examination approved by the board by rule.

Subd. 2. **Fee.** Each applicant shall pay a nonrefundable application fee set by the board.

History: *1987 c 347 art 3 s 5*

148B.34 LICENSES; TRANSITION PERIOD.

Notwithstanding section 148B.33, clause (7), for two years from July 1, 1987, a license shall be issued to an applicant without examination if the board is satisfied that the applicant meets the requirements of section 148B.33, subdivision 1, clauses (1) to (6).

History: *1987 c 347 art 3 s 6*

board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Subd. 4. Two or more health-related licensing boards or two or more non-health-related licensing boards may hold joint rule making proceedings on proposed rules relating to similar subject matters.

History: *1973 c 638 s 64; 1975 c 136 s 48; 1975 c 271 s 6; 1976 c 222 s 2,27; 1977 c 444 s 13,14; 1982 c 595 s 1; 1983 c 269 s 1; 1983 c 289 s 114 subd 1; 1984 c 655 art 1 s 92; 1985 c 247 s 25; 1986 c 444; 1986 c 464 s 2; 1987 c 347 art 1 s 21; 1987 c 404 s 156; 1988 c 667 s 27; 1989 c 282 art 2 s 54; 1990 c 571 s 40*

214.05 [Repealed, 1977 c 444 s 21]

214.06 FEES; LICENSE RENEWALS.

Subdivision 1. Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which the commissioner of health or the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128. For members of an occupation registered after July 1, 1984, by the commissioner of health under the provisions of section 214.13, the fee established must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for adoption of the rules providing for registration of members of the occupation. All fees received shall be deposited in the state treasury. Fees received by health-related licensing boards must be credited to the special revenue fund.

Subd. 2. Notwithstanding any law to the contrary, each health-related and non-health-related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1.

History: *1973 c 638 s 67; 1974 c 406 s 85; 1976 c 222 s 3; 1977 c 305 s 45; 1977 c 444 s 15; 1980 c 614 s 100; 1981 c 357 s 69; 1983 c 301 s 165; 1984 c 654 art 5 s 10; 1Sp1985 c 9 art 2 s 24; 1987 c 370 art 1 s 1; 1989 c 282 art 3 s 32; 1989 c 335 art 4 s 66*

214.07 REPORTS.

Subdivision 1. **Board reports.** The health-related licensing boards and the non-health-related licensing boards shall prepare reports according to this subdivision and subdivision 1a by October 1 of each even-numbered year. Copies of the reports shall be delivered to the legislature in accordance with section 3.195, and to the governor. Copies of the reports of the health-related licensing boards shall also be delivered to the commissioner of health. The reports shall contain the following information relating to the two-year period ending the previous June 30:

(a) a general statement of board activities;

(b) the number of meetings and approximate total number of hours spent by all board members in meetings and on other board activities;

(c) the receipts and disbursements of board funds;

(d) the names of board members and their addresses, occupations, and dates of appointment and reappointment to the board;

(e) the names and job classifications of board employees;

(f) a brief summary of board rules proposed or adopted during the reporting period with appropriate citations to the State Register and published rules;

(g) the number of persons having each type of license and registration issued by the board as of June 30 in the year of the report;

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules Relating to the Rules Relating to the Licensure of Marriage and Family Therapists

BEFORE THE BOARD OF MARRIAGE AND FAMILY THERAPY

ALTERNATIVE NOTICES: NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Board of Marriage and Family Therapy (hereinafter "Board") is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of Minnesota Statutes sections 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minnesota Statutes section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rules pursuant to Minnesota Statutes sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one he held. The comment period will close on November 26, 1990. This period will give interested persons ample time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Board of Marriage and Family Therapy (hereinafter "Board") proposed to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or opposition to the proposed rules. The 30 days will expire November 26, 1990. Comment is encouraged. Each comment should identify the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by November 26, 1990. If a hearing is required, it will be held in accordance with the provisions of Minnesota Statutes sections 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

Sharon Davern-Fecker, Chairperson
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
Saint Paul, Minnesota 55114
(612) 643-2580

The statutory authority to adopt the rule is contained in Minnesota Statutes sections 148B.31, 148B.31, (1), (2), (4), (6), (7), 148B.33 subdivision 2, 148B.37 Subdivision 1(3), and 214.06 (1988).

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees. A copy of the proposed rules are attached to this notice and will be published in the State Register issue of October 22, 1990, Volume 15, Number 17,

A Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land; therefore, no further information need be provided under Minnesota Statutes section 14.115 (1988) regarding small business considerations in rulemaking. It is the position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statute section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

(9)

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorne General for review as to form and legality, including the issue of substantial change. 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 rules as adopted should submit a written request to the Board at the address listed above.

III. NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

Please note that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in part II above, a hearing will be held on December 13, 1990 in accordance with the following notice of public hearing.

Notice is hereby given that a public hearing in the above-captioned matter will be held pursuant to Minnesota Statutes sections 14.131 to 14.20 (1988), in room 225, Colonial Office Park, 2700 University Avenue West, St. Paul, MN 55114, on December 13, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three day period. This rule hearing procedure is governed by Minnesota Statutes Sections 14.131 to 14.20 (1988) and by Minnesota Rules Parts 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and

reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

A free copy of the proposed rules is attached and will be published in the State Register issue of October 22, 1990, Volume 15, Number 17, and may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

The statutory authority to adopt the rule is contained in Minnesota Statutes Sections 148B.31, (1), (2), (4), (6), (7), 148B.33 Subd. 2, 148B.37, Subd. 1(3), and 214.06 (1988).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in Minnesota Statutes section 10A.01, Subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his or her own travel expenses or membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) who spends more that $250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert, St. Paul, MN 55101, telephone number (612) 296-5615.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available,

after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land - see Minnesota Statutes Section 14.11 (1988).

It is the position of the Board that it is not subject to Minnesota Statutes section 14.115 (1988) regarding small business considerations in rule-making. The basis for this position, and the Board's evaluation of the applicability of the methods contained in Minnesota Statutes section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

IV. NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

Please note that the hearing, notice of which is given in part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above.

To be informed whether the hearing notice in Part III above will be held, please call or write the Board before November 30, 1990 and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: October 11, 1990.

Sharon Davern-Fecker, Chairperson
Board of Marriage and Family
Therapy (612) 643-2580

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

CERTIFICATE OF THE

RESOLUTION ADOPTING RULES

I, Sharon Davern-Fecker, do hereby certify that I am a member and the Chair of the 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 21 day of December, 1990, that as 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 Board by Minnesota Statutes 148B and 214. The Chair of the Marriage and Family Therapy Board is authorized to sign the 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 21 day of December,1990.

Sharon Davern-Fecker
Chair of the Board

James J. Parker
Attest by one other Board member

Celebrate MINNESOTA 1990

RECEIVED
'90 JUL 10 AM 8:39
ADMINISTRATIVE HEARINGS

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

Date: JUNE 17, 1990

TO: PAM WHEELOCK, EXECUTIVE BUDGET OFFICER
BUDGET OPERATIONS & SUPPORT; DEPARTMENT OF FINANCE

FROM: JAMES J. PROKOP, VICE CHAIRPERSON
BOARD OF MARRIAGE & FAMILY THERAPY

RE: RATE REVIEW

James J. Prokop
984.5741

In accordnace with Minnesota Statutes, Sections 148B.17 and 214.06, I request your approval of the following licensing fees for the Minnesota State Board of Marriage and Family Therapy:

Application for admission to Written exam Fee	$200.00
Written Examination Fee, not to exceed	$250.00
Application for Licensure Fee	$100.00
Initial License Fee	$100.00 (prorated)
Licensure by Reciprocity Fee	$300.00
Annual Renewal of License Fee	$100.00
Late Renewal Fee	$ 50.00
Reinstatement of License Fee (for Expired Licenses)	$150.00
Penalty Fee (for Revoked or Suspended Licenses)	$ 75.00
Sponsor's Application for Approval of a Continuing Education Course Fee	$ 25.00
Duplicate License Fee	$ 25.00

The above fees are being included in the newly proposed Permanent Rules of the Board of Marriage and Family Therapy. They are set to recover the estimated costs incurred for the provision of legislated Board services during the next fiscal year.

Your attention to this matter is appreciated.

Approved:

Pamela Wheelock
Pam Wheelock, Executive Budget Officer — 7/9/90 Date

Approved
B.J. Reddemann, Director
Budget Operations & Support

Celebrate MINNESOTA

FI-00194-06 (12/87)

Department of Finance
FEE REVIEW

Date Prepared: 06/17/90

Department/Agency: MN Board of Marriage & Family Therapy

Budget Activity: Expenses

Fee Name: License Fees

Legal Citation: MN Statute 148.B.17 & 148B.29 - 148B.39

Fee Set By: [ ] Law [X] Agency

Purpose of Fee: To remove operational costs as required by MN Statue 214.

[ ] Dedicated [X] Non-Dedicated

Revenue Code: 310

APID: 21518-00 Fund: 14 Accumulated Difference Thru 1986: - 0 -

Dollars in Thousands (137,522 = 137.5)

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	~~Estimated~~ Actual F.Y. 89	~~Requested~~ Estimated F.Y. 90	Requested F.Y. 91
Actual/Anticipated Receipts		-0-	187.1	162.0	84.7
Less Actual/ Anticipated Costs		27	113.0	134.8	153.3
Current Difference		(27)	74.1	27.2	(68.6)
Accumulated Difference		(27)	47.1	74.3	5.7
Number Paying Fee °					
Present Fee °°					
Date Fee Last Changed			n/a	9/27/89	

Remarks:

°Number Paying Fee for each year is found in Attachments # 1 and 2.

°° Present Fees are found in Attachments # 1 & 2.

Note: Attachment # 1 justifies the FY 1990 income.
Attachment # 2 justifies the FY 1991 income.
Attachment # 3 justifies the FY 1990 expenses.
Attachment # 4 justifies the FY 1991 expenses.

Department Authorized Signature: James D. Pyrek Vice Chairperson

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00195-01

Department of Finance
FEE REVIEW – Details of Costs

Date Prepared: 06/17/90

Department/Agency: MN Board of Marriage & Family Therapy

Budget Activity: Expenses

Fee Name: License Fees

Fiscal Year	Actual F.Y. 87	Actual F.Y. 88	~~Estimated~~ Actual F.Y. 89	~~Requested~~ Estimated F.Y. 90	Requested F.Y. 91
Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-06					Dollars in Thousands (137,522 = 137.5)
Agency Direct Expenditures		$19.0 MFT 8.0 Off/MH $27.0 Total	~~$82.0 MFT~~ 27.0 OFF ~~$109.0 Tot~~	~~$87.0 MFT~~ 40.3 Off/MN ~~$127. 3~~	~~$95.2 MFT~~ 40.3 Off/MN ~~$135.5 Total~~
Salary Increases	xxxxxxxxx	xxxxxxxxx	xxxxxxxxx	--------	2.3 (6.0%increase
Attorney General		-	$3.0	$6.0	$12.5
Statewide Indirect		-	-----	$1.0	$2.0
Agency Indirect		-	$1.0	$0.5	$1.0
Totals – must agree with cost on Fee Review Form		$27.0	$113.0	$134.8	$153.3

Remarks:

The explanation of these expenses are found in Attachments # 3 and 4 for the respective Fiscal Years 1990 and 1991.

FEE REVIEW - ATTACHMENT # 1

Date Prepared: 06/17/90

Department/Agency: MN Board of Marriage & Family Therapy Budget Activity: Income
Fee Name: License Fees Fiscal Year 1990
Remarks:

Fees that exist during Fiscal Year 1990:

Fund #	Fee Name	Estimated Number Paying Fee	Fee Charged	Totals
#110227	Application for Admission to written exam	3	$200.00	$600.00
110225	Continuing education	15	$25.00	375.00
110224	Late Renewal Fees	42	$50.00	2,100.00
110223	Renewal of License Fees	770	$100.00	77,000.00
110222	License Fee		(prorated)	19,531.00
110221	Application Fee		$300.00	62,100.00
110220	Miscellaneous			294.00
				$162.000.00

Note: The revenue for Fiscal Year 1990 was projected with all actual income except for the months May and June. So, the projection should be close to actual.

FEE REVIEW - ATTACHMENT # 2

Department/Agency: MN Board of Marriage & Family Therapy Date Prepared: 06/17/90
Fee Name: License Fees Budget Activity: Income
Remarks: Fiscal Year 1991

Fees that will exist during fiscal year 1991

Fee Name	Estimated Number Paying Fee		Fee Charge	Totals
Application for admission to written exam	10		$200.00	$2,000.00
Application for Licensure	8		$100.00	800.00
Initial License Fee	8	(prorated) 4 x $100 4 x 50	$100.00	
		$600		600.00
Licensure by reciprocity	5		$300.00	1,500.00
Renewal of License See	780		$100.00	78,000.00
Late Renewal Fee	15	(averaged)	$50.00	750.00
Reinstatement Fee	2		$150.00	300.00
Continuing Education Course Approval Fee	25		$25.00	625.00
Duplicate License Fee	2		$25.00	50.00
				$84,625.00

Note: The estimated numbers of licensees and projected revenues have been projected from only a two year trend. So, the accuracy will be enhanced as the trend line extends in the future.

FEE REVIEW - ATTACHMENT # 3

Department/Agency: MN Board of Marriage & Family Therapy Date: 06/17/90
Fee Name: License Fees Budget Activity: Expenses
Fiscal Year 1990

Estimated Expenses for Fiscal Year 1990:

YTD Operating expenses: Direct (5/1/90)		$78,331
Projected FY Operating Expenses: Direct		$87,000.00°
Percentage Office Budget (Mental Health Boards)		40,320.00°°
Attorney General	(estimated)	6,000.00
Statewide Indirect	(estimated)	1,000.00
Agency Indirect	(estimated)	500.00
		$134,820.00

°This estimate is based on the following formula which assumes somewhat even distributions of expenses each month:

$$\frac{\text{11 months}}{\$78,331\ (5/1/90)} \qquad \frac{\text{12 months}}{X}$$

°° This calculation was given by the Executive Director of Office of Social Work and Mental Health Boards.

(Budget) $224,000 x 18 % (assumed percentage of M&FT portion) = $40,320.00

FEE REVIEW - ATTACHMENT # 4

Date Prepared: 06/17/90

Department/Agency: MN Board of Marriage & Family Therapy Budget Activity: Expenses
Fee Name: License Fees Fiscal Year 1991

Estimated Expenses for Fiscal Year 1991:

FY Operating Expenses: Direct		$97,470.00°
Percentage of Office Budget (Mental Health Boards)		40,320.00°°
Attorney Genral	(estimated)	12,500.00°°°
Statewide Indirect	(estimated)	2,000.00
Agency Indirect	(estimated)	1,000.00
		$153,290.00

° Calculation: $96,352.00 (FY Budget '90) x 5.0 % inflation = $101,170.00

Less 1/2 Executive Director Position	22,000.00
Plus full-time secretary	16,000.00
	$97,470.00

°° This calculation was given by the Executive Director of the Office of Social Work and Mental Health Boards:

(Budget FY 1991) $224,000 x 18 % (assumed percentage of M&FT portion)
= $40,320.00

°°° Estimated cost of legal consultation for the Attorney General's Office. This is roughly double FT 1990 on the assumption that there will be an increase in complaints of malpractise as this Board establishes Permanent Rules and has a longer history in the therapeutic community.

filed with the executive secretary of the board or panel. If a party requests that a member be disqualified, the disqualification issue shall be determined by majority vote of the other members present even if the other members do not constitute a quorum.

5217.0800 CONTESTED CASES.

Subpart 1. **Written exceptions.** The parties may file written exceptions to the administrative law judge's report with the executive secretary of the board or panel no later than 20 calendar days after service and filing of the administrative law judge's report.

Written exceptions shall be accompanied by an affidavit stating that service of a copy of the written exceptions has been made upon all other parties to the action. In matters before the board, the original and 21 copies of written exceptions and arguments shall be filed with the executive secretary of the board; in matters before the panel, the original and 15 copies shall be filed with the executive secretary of the panel.

Subp. 2. **Reply written exceptions.** The parties may file reply written exceptions with the executive secretary of the board or panel within ten days after service and filing of the written exceptions. Reply written exceptions shall address only issues outlined in the opposing party's written exceptions and arguments. In matters before the board, the original and 21 copies with proof of service listing all other parties shall be filed with the executive secretary of the board; in matters before the panel, the original and 15 copies with proof of service listing all other parties shall be filed with the executive secretary of the panel.

Subp. 3. **Oral arguments.** The board or panel shall schedule oral argument in addition to written exceptions. The board or panel shall notify the parties by first class mail as to the date set for oral argument at least 14 calendar days in advance.

Each party shall be allotted ten minutes for oral argument to the board or panel and five minutes for rebuttal argument. Any party may waive oral argument.

Subp. 4. **Representation.** A party may appear before the board or panel in person or through a representative. A representative of a party need not be an attorney. A nonattorney representative must not engage in the unauthorized practice of law as defined in Minnesota Statutes, section 481.02. If the panel or board is notified that the party will be represented, all documents required to be served on the party will also be served on the party's representative.

5217.0900 SETTLEMENT AGREEMENTS.

Approval or disapproval of proposed settlement agreements that come before the board or panel shall be by affirmative vote of at least a majority of voting members present so long as there is a quorum. The chair shall execute approved settlement agreements on behalf of the board or panel.

5217.1000 DECISION AND ORDER AND APPEALS.

Every decision and order in a contested case shall be in writing, shall be by a majority of voting members present so long as there is a quorum, and shall contain a statement of findings of fact, conclusions of law, and an order of the board or panel. Parties to the proceedings and Office of Administrative Hearings shall be served in person or by first class mail with a copy of the findings and order.

Final decisions of the board or panel in a contested case may be appealed to the Workers' Compensation Court of Appeals pursuant to the procedures in Minnesota Statutes, section 176.421, except that all appeals shall be filed through the executive secretary of the board or panel.

Board of Marriage and Family Therapy

Proposed Permanent Rules Relating to Marriage and Family Therapy

ALTERNATIVE NOTICES: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing

I. Explanation of Alternative Notices

The Minnesota Board of Marriage and Family Therapy (hereinafter "Board") is hereby giving notice of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* sections 14.22 to 14.28 (1988).

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However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* section 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Board is at the same time hereby giving notice of the hearing on the proposed rules pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1988). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. The comment period will close on November 26, 1990. This period will give interested persons time to contact the Board to find out whether the hearing will be cancelled and to plan accordingly.

II. Notice of Intent to Adopt Proposed Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Marriage and Family Therapy (hereinafter "Board") proposed to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* sections 14.22 to 14.28 (1988).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire on November 26, 1990. Comment is encouraged. Each comment should identify the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day period that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by November 26, 1990. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* sections 14.131 to 14.20 (1988) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

Sharon Davern-Fecker, Chairperson
Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
Saint Paul, Minnesota 55114
(612) 643-2580

The statutory authority to adopt the rule is contained in *Minnesota Statutes* sections 148B.31, 148B.31, (1), (2), (4), (6), (7), 148B.33 subdivision 2, 148B.37 Subdivision 1(3), and 214.06 (1988).

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

The proposed rules are published below and a free copy of the rules may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning the Board at the address and telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by public bodies nor have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* section 14.115 (1988) regarding small business considerations in rulemaking. It is the position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statute* section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the Statement of Need and Reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, the rules as adopted, and a statement explaining any difference between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 rules as adopted should submit a written request to the Board at the address listed above.

III. Notice of Intent to Adopt Rules With a Public Hearing If 25 or More Persons Request a Hearing

PLEASE NOTE that if 25 or more persons submit written requests for a public hearing with respect to the above-captioned rules within the 30-day comment period pursuant to the notice given in part II above, a hearing will be held on December 13, 1990 in accordance with the following notice of public hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes*

sections 14.131 to 14.20 (1988), in Room 225, Colonial Office Park, 2700 University Avenue West, St. Paul, MN 55114, on December 13, 1990, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Jon Lunde, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7601. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* Sections 14.131 to 14.20 (1988) and by *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

If adopted, the proposed rules would establish definitions, set forth education, experience and supervision requirements for licensure, establish license examination requirements, define standards for reciprocity licensure, license renewal and reinstatement, continuing education and variances, formulate and implement a code of ethics, and set fees.

A free copy of the rules is attached and will be published in the *State Register* issue of October 22, 1990, Volume 15, Number 17, and may be obtained from the Board by writing or telephoning the Board at the address or telephone number listed above.

The statutory authority to adopt the rule is contained in *Minnesota Statutes* Sections 148B.31, (1), (2), (4), (6), (7), 148B.33 Subd. 2, 148B.37, Subd. 1(3), and 214.06 (1988).

The proposed rules may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rules are therefore advised to participate in the process.

Minnesota Statutes Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in *Minnesota Statutes* section 10A.01, Subdivision 11 as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) who spends more than $250, not including his/her own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone number (612) 296-5615.

Notice is hereby given that a statement of Need and Reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules.

Copies of the Statement of Need and Reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

PLEASE NOTE that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land—see *Minnesota Statutes* Section 14.11 (1988).

It is the position of the Board that it is not subject to *Minnesota Statutes* section 14.115 (1988) regarding small business considerations

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in rule-making. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* section 14.115, subdivision 2 (1988) for reducing the impact of the proposed rules, should it be determined that the Board is governed by sections 14.115, are addressed in the Statement of Need and Reasonableness.

IV. Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing

PLEASE NOTE that the hearing, notice of which is given in part III above, will be cancelled if fewer than 25 persons request a hearing in response to the notice given in part II above.

To be informed whether the hearing notice in Part III above will be held, please call or write the Board before November 30, 1990 and leave your name, address, and telephone number. You will be notified as soon as possible after this date and prior to the hearing, if the hearing has been cancelled.

Dated: 10 October 1990

Sharon Davern-Fecker, Chairperson
Board of Marriage and Family Therapy
(612) 643-2580

Rules as Proposed (all new material)

5300.0100 DEFINITIONS.

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

Subp. 2. **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, video, or television broadcasting.

Subp. 3. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 4. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 5. **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 certification 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. 6. **Dual relationship.** "Dual relationship" means a relationship between a therapist and a client that is both professional and one or more of the following: cohabitational, familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for therapeutic services rendered.

Subp. 7. **Fee splitting.** "Fee splitting" means the practice of paying commissions to colleagues out of the fees received from clients who have been referred by the colleague.

Subp. 8. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 9. **LMFT.** "LMFT" are the initials permitted to be used by a licensed marriage and family therapist to designate that the individual is licensed by the Board of Marriage and Family Therapy.

Subp. 10. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 11. **Postgraduate supervised experience.** "Postgraduate supervised experience" means supervised experience occurring after the educational institution grants the degree for licensure as shown on the applicant's transcript.

Subp. 12. **Regionally accredited.** "Regionally accredited" means those educational institutions accredited by the North Central Association of Schools and Colleges or a similar accrediting body with accreditation standards equal to or greater than the accreditation standards used by the North Central Association of Schools and Colleges.

Subp. 13. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:

A. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the therapist's body or by any object used by the therapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the therapist's body by any part of the patient's or former patient's body or by any object used by the patient or former patient for this purpose, if agreed to by the therapist;

B. kissing of, or the intentional touching by the therapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;

C. kissing of, or the intentional touching by the patient or former patient of the therapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the therapist agrees to the kissing or intentional touching.

Sexual contact includes requests by the therapist for conduct described in items A to C.

Sexual contact does not include conduct described in items A or B that is a part of standard medical treatment of a patient.

Subp. 14. **Sexual harassment.** "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Subp. 15. **Supervisee.** "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 16. **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. 17. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160, and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 18. **Therapeutic deception.** "Therapeutic deception" means a representation by a therapist that sexual contact with the therapist is consistent with or part of the patient's or former patient's treatment.

Subp. 19. **Therapist.** "Therapist" means a licensee of the board.

Subp. 20. **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.

5300.0110 LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, sections 148B.32, subdivision 2, and 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 therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360.

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.

5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from parts 5300.0110 to 5300.0360 so long as they do not represent themselves by a title denoting marriage and family therapist, such as marriage and family therapist, marriage therapist, family therapist, marriage and family counselor, marriage counselor, or family counselor unless specifically allowed to do so under

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Minnesota Statutes, section 148B.32, subdivision 2. Those qualified individuals listed in Minnesota Statutes, section 148B.38 may advertise the performance of marriage and family therapy services.

5300.0130 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, clauses (5)(i) and (ii);

B. have obtained the age of majority, the age of majority being 18 years according to Minnesota Statutes, section 645.451, subdivision 5.

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

D. 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;

E. 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; and

F. pass both parts of the examination listed in part 5300.0240.

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 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. All requested documentation must be sent directly from the educational institution to 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, if the degree is in a related subject field, and if the degree contains the following coursework:

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 clinical client contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 150 hours 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. 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. An applicant may not use a course for more than one area described in items A to F.

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

5300.0150 EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** 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. **Years of experience; computation.** In calculating two years of supervised postgraduate experience in marriage and family therapy, the board shall accept a minimum of 1,000 hours of clinical client contact and 200 hours of supervision over a period of not less than 24 months.

Subp. 3. **Clinical client contact; requirements.** The applicant must demonstrate at least 500 hours of the clinical client contact required in the following categories of cases:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 4. **Supervision; setting.** The supervision shall take place in individual and group settings, according to items A and B.

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. 5. **Supervision requirements.** Supervision must involve:

A. at least 200 hours of face-to-face contact between the supervisor and supervisee of which at least 100 hours must be in individual settings;

B. 100 hours of supervision per year; and

C. 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. 6. **Verifying supervised 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 clinical client contact, the number of hours of supervision, and the name and qualifications of each supervisor.

5300.0160 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 three years and 3,000 hours of 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.

5300.0170 RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy services;

B. The supervisor must be knowledgeable of the important literature in the field of marriage and family therapy and professional ethics; and

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

5300.0180 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 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.

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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, item A, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all graduate 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 degreed program documented by the applicant's transcripts meets the requirements of part 5300.0130, subpart 1, item A.

(2) The institution granting the degree must be regionally 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 60 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, 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, item A.

5300.0200 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 E.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240, 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 and an agreement by the applicant that the applicant will conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350.

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

D. The applicant must submit a completed notarized form provided by the board, verifying the applicant's postgraduate, supervised experience, conforming to the requirements of part 5300.0150, subpart 6.

E. The applicant must submit two endorsements attesting to the applicant's good moral character. The endorsements must be completed and signed by individuals who meet the requirements for endorsers under part 5300.0230, subparts 1 and 2. The endorsements must be notarized on forms provided by the board.

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, item C.

5300.0210 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 have been met.

5300.0230 REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130, subpart 1, item D, and 5300.0200, subpart 1, item E, the endorser must:

A. be licensed by the board; or

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.

Subp. 2. **Limitations.** An endorser must not be an employee, independent contractor, patient, or former patient, or be related in any way to the applicant.

5300.0240 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 must pay the written examination fee in part 5300.0360, item B, 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. The written examination shall be offered twice per year on dates established by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** The 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. The oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board and before the applicant is approved for licensure. The 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; and

D. other practice-related areas.

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.** The passing score of the written part of the examination is the passing score determined by the Association of Marriage and Family Therapy Regulatory Boards. The passing score for the oral examination shall be determined by the board. 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, but not more than five times without a variance. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360, item B.

5300.0250 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 effect when the individual was licensed in the other state are at least equivalent to or exceed the current 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 application for licensure by reciprocity specified in part 5300.0360, item E. The application must be on a form provided by the board. The application must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities according to the code of ethics in part 5300.0350.

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requirements for reinstatement of an expired license in part 5300.0300, except that payment of the late renewal fees shall not be required.

5300.0320 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, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year.

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 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 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~~ therapy or the current psychotherapeutic practices of marriage and family therapy.

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 subject of the course is related to marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of psychotherapeutic work with couples or families. ~~Subjects related to marriage and family therapy include, but are not limited to~~ Subject content areas with a systemic approach are:

(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 psychometric testing in marriage and family therapy;

(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 of the course.

Subp. 5. **Committee evaluation.** The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 6. **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 sponsor's application for approval of a continuing education course fee specified in part 5300.0360, item I.

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 or other form of verification of attendance 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 one year 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, item I, before the expiration of the one-year period.

(1) Each sponsor of an approved course may announce, as to a course that has been approved by the board, that: "This course has been approved by the Minnesota Board of Marriage and Family Therapy for ... hours of credit."

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

D. The board shall approve or disapprove a sponsor's application for course approval.

E. 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.

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

Subp. 7. **A licensee's application for course approval.** A licensee must apply individually for approval of continuing education courses sponsored by organizations that have not applied and been approved by the board in subpart 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.

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) a detailed description of the course content;

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

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

B. Licensees seeking approval for a course not previously approved by the board are strongly encouraged to seek board approval before attending the course.

C. The board shall deny approval for a course if it does not meet the standards in subpart 4. The board shall notify the applicant in writing of its reasons for denying approval of a course under this subpart.

Subp. 8. **Sources of credit.** Continuing education credit may not be applied for self-study, personal therapy, or other methods not structured on sound education principles. 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. 9. **Hours of credit.** Continuing education shall be credited on an hour-for-hour basis. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

Subp. 10. **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:

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J. 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.

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

L. 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.

M. 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 this part according to Minnesota Statutes, section 148B.07, subdivision 4.

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

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

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

Q. A therapist must make certain that the qualifications of a person in a therapist's employ is a student, independent contractor, or an intern represented in a manner that is not false, misleading, or deceptive.

R. 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. 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 marriage therapist is bound by these ethics primarily. These ethics supercede any policies of an employer or contractor that may be contrary to the ethics in this part.

A. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of age, sex, race, national origin, religion, physical handicap, political affiliation, or social or economic status. In addition, a therapist must not discriminate on the basis of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a therapist shall make an appropriate referral.

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 therapist's professional judgment or increase the risk of exploitation.

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

D. 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.

E. A therapist must not engage in sexual contact or other physical intimacies with a client. Sexual contact with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual contact after two years with a former client is prohibited:

(1) if the former client was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

F. 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. For purposes of this item, sexual harassment has the meaning given it in Minnesota Statutes, section 363.01, subdivision 10a.

G. A therapist must not use or exploit the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

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

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

J. 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.

K. 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.

L. 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.

M. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children under Minnesota Statutes, section 626.556 and vulnerable adults under Minnesota Statutes, section 626.557.

N. 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.

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

Subp. 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 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. For purposes of safeguarding confidentiality, when seeing a couple or a family, a therapist must define who the "client" is as soon as it is possible to determine the client. For example, the therapist must define whether the couple or family, as a unit, is the client or whether the individuals who make up the couple or family are the clients.

D. When seeing a couple or a family, a therapist must inform the client, at the beginning of the relationship, what the therapist's procedures are for handling confidences from individual members of the family and for protecting individuals' privacy while safeguarding the integrity of the therapy process.

E. 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.

F. 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.

G. 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.

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H. 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.

I. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party supervisory observation of their sessions. The consent form should specify the purpose and proposed audience for the recording.

J. 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. 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 according to the requirements of the "Ethical Principles of Psychologists, General Principle 9: Research with Human Participants," American Psychological Association, as amended June 2, 1989. These requirements are incorporated by reference and are not subject to frequent change. The requirements were published in "American Psychologist" March 1990, Volume 45, Number 3, pages 390-395. They are available through the Minitex interlibrary loan system. Participation in research is voluntary.

5300.0360 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 admission to written examination fee, $200;

B. written examination fee, not to exceed $250;

C. application for licensure fee, $100;

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

E. application for licensure by reciprocity fee, $300;

F. annual renewal of license fee, $100;

G. late renewal fee, $50;

H. reinstatement of license fee, $150;

I. sponsor's application for approval of a continuing education course fee, $25;

J. penalty fee, $75;

K. duplicate license fee, $25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

Pollution Control Agency

Proposed Permanent Rules Relating to Household Battery Collection

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1988).

All persons have until 4:30 p.m. on November 26, 1990, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must state his or her name and address,

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of the Rules Relating to the Licensure of Marriage and Family Therapists

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Board of Marriage and Family Therapy's intent to adopt the above-entitled rule was published in the State Register on October 22 , 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14 subdivision 1a and 14.22 on October 23 ,1990. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. (3) Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

The above-entitled matter came before the Board of Marriage and Family Therapy on the 21st day of December, 1990. After considering all written comments submitted to the Board, in accordance with statutory requirements regarding the adoption of rules, the board, being fully advised in the premises, hereby adopts the following findings of fact, conclusions and order.

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FINDINGS OF FACT

1. The Board published its notice of intent to adopt the above-entitled rules, including a statement describing the nature and effect of the proposed rules, in the State Register on October 22, 1990.

2. Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

3. The notice of the Boards intent to adopt the rules afforded interested persons 30 days in which to submit data and views on the proposed rules. The comment period, as set out in the notice expired on November 26, 1990.

4. The Board received no requests for public hearing.

5. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was published in the State Register and was available to the public.

6. No requests for notice of submission were received by the agency.

7. At the time that the SONAR was made available to the public, a copy was sent to the Legislative Committee to Review Administrative Rule.

8. During the comment period, the Board received one written comment from interested persons or departments or agencies. They are as follows:

1) Karen Irvin, L.P., St. Paul, Minnesota

2) Max Hines, L.C.P.,L.M.F.T., Minneapolis, MN

3) George Vognar, L.M.F.T. , Bloomington , MN

9. The Board finds that these comments have merit and has modified the rules accordingly. These modifications were for clarification and were not substantive.

*** The comments submitted by Hines and Vognar were received this summer as the Board initially submitted their permanent rules. A procedural glitch forced the Board to redo the permanent rule-making process this fall. The rules submitted in October already reflected the suggested changes of Hines and Vognar. Those comments have still been included for informational reasons only.**

10. The modifications and the specific grounds for their adoption are as follows:

CLARIFICATION OF LANGUAGE AMBIGUITY

(6) 10. On page 20, lines, end of 28 through line 10 page 21, (Minnesota Rules pt. 5300.0320 subp. 4.D): have been deleted. This is reasonable since attempting to list all continuing education subject areas dilutes the clarity of the description 4f applicable subject areas. It may also unintentionally narrow the focus of continuing education. It is the Board's position , as reflected in the SONAR to simply hold continuing education up to the standard of being systemically based without dictating the topic areas. In the attempt to continue to list those subject areas the rules become vague and confusing. The list offers no useful purpose to the rule.
It is unnecessary and confusing language and its removal does not substantively change the rule.

CONCLUSIONS

1. The Board has published and served adequate notice of intent to adopt the proposed rules.

2. The Board has demonstrated its statutory authority to adopt the proposed rules and has fulfilled all other substantive and procedural requirements of the statute and rules.

3. The changes that are being make in the proposed rules do not result in rules that are substantially different from those noticed 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.

5. The above-captioned rules are needed and reasonable. (8)

ORDER

NOW, THEREFORE IT IS ORDERED that the rule identifies as 5300.0320 (as modified) is adopted this 21st day of December, 1990 pursuant to authority vested in the Board by Minnesota Statutes, sections 148B and 214.

Sharon Davern-Fecker

Sharon Davern-Fecker

Chair

Title

(9)

Dated: 12-21 ,1990

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed Adoption of Rules Relating to the Rules Relating to the Licensure of Marriage and Family Therapists

AFFIDAVIT OF MAILING THE ALTERNATIVE NOTICES OF INTENT TO ADOPT RULES AND A CERTIFICATE OF THE MAILING LIST

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Sharon Davern-Fecker, being duly sworn, says

I hereby certify that the attached list of persons and associations who have requested, pursuant to Minn. Stat. 14.14, subd. 1 (a) and 14.22 or 14.30, that their names be placed on the Board of Marriage and Family Therapy rulemaking mailing list is accurate, complete, and current as of this 11th day of October, 1990.

That on the 11th day of October, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Alternative Notices of Intent to Adopt Rules by depositing in the State of Minnesota, Department of Health's Mail Delivery System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Sharon Davern-Fecker
Chair

Subscribed and sworn to before me
this 11th day of October, 1990.

Notary Public

BETTY L. MESSERVEY
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES AUGUST 23, 1995

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

RULES MAILING LIST

Lois Mizuno
Board of Psychology
2700 University Ave W., Suite 101
St. Paul, MN 55114

Lee Beecher, M.D.
Pres., MN Psyciatric Society
1770 Colvin Ave
St. Paul, MN 55116

Dominic Sposeto
Minnesota Psychiatric Society
2824 Irving Ave S
Minneapolis, MN 55408

Bill Percy
UMAAMFT
1409 Willow, Suite 400
Minneapolis, MN 55403

Mary Beth Curry
MN Hospital Assoc.
2221 Univ. Ave. SE, Suite 425
Minneapolis, MN 55414

Michael Bowers
AAMFT
1717 K. Street, NW Suite 407
Washington, DC 20006

Mary Cahill
717 Delaware St. SE, 4th Floor
Minneapolis, MN 55441

Mike Wilke
Indian Health Board Clinic
1315 E 24th St.
Minneapolis, MN 55404

Michael Dean
3891 Worchester Dr.
Eagan, MN 55123

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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

The following is a List of Witnesses testifying on behalf of the Board of Marriage and Family Therapy for the purpose of a Public Hearing

Board Members

Sharon Davern-Fecker, M.S.
321 Shoreview Dr.
Grand Rapids, MN 55744

Mary Hayes, Ph.D.
1653 Medical Arts Building
Minneapolis, MN 55402

Penny H. M. Johnson
608 SE 11th Ave.
Willmar, MN 56201

C.L. Moore, Ph.D.
Pediatric & Fam. Psychology Ctr.
2932 Emerson Ave. S.
Minneapolis, MN 55408

Rose Mary Perrault
201 St. Marie Street
Duluth, MN 55803

James J. Prokop, MBA, MA
7631 Edinborough Way
#5111
Edina, MN 55435

Margaret L. Radosevich
17 West Star Route
Two Harbors, MN 55616

Expert Witnesses

Michael Metz, Ph.D.
Program in Human Sexuality
Department of Family Practice and Community Health
University of Minnesota Medical School
2630 University Ave. S.E.
Minneapolis, MN 55414

Burton Nolan, Ph.D.
College of St. Thomas
2115 Summit Ave.
St. Paul, MN 55105

Max Hines, Ph.D.
3058 Hayes St. N.E.
Minneapolis, MN 55418

Wm. J. Doherty, Ph.D.
Prof. and Dir. of MFT Program
Family Social Science Dept.
Univ. of Minnesota
290 McNeal Hall
St. Paul, MN 55108

Karen Irvin, M.A., L.P.
23 Empire Drive
Suite 288
St. Paul, MN 55103

Celebrate MINNESOTA 1990

GROUP HEALTH INC.

BLOOMINGTON MEDICAL CENTER

8600 NICOLLET AVENUE BLOOMINGTON, MN 55420-2855

August 6, 1990

Board of Marriage and Family Therapy
2700 University Ave. West
Suite 225
St. Paul, Mn. 55114

Dear Sirs:

I am requesting a change in the programs that are eligable for continuing education credit. Under the present system, approval must be given to programs that have nothing to do with systemic therapy. If we are indeed a unique profession with a unique service to offer the public, we must require that continuing education reflect our differences and our strengths.

Under the present guidelines, we become undistinguishable from Psychology or Social Work. Specifically, I am requesting that continuing education credit be given only to programs that have a predominatly systemic orientation.

Sincerely,

George W Vognar

George W. Vognar LMFT

GV-sj

AN EQUAL OPPORTUNITY EMPLOYER

UPPER MIDWEST ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY
A Division of the American Association for Marriage and Family Therapy

3255 Hennepin Avenue South #255, Minneapolis, MN 55408
612-827-9292

TO: Minnesota Board of Marriage and Family Therapy

FROM: Karen Irvin

DATE: November 17, 1990

RE: Proposed Permanent Rules

Having reviewed the proposed rules, I would suggest a change in Section 5300.0320 CONTINUING EDUCATION REQUIREMENTS, Subp. 4. Courses; board approval required, paragraph D. I propose that paragraph D be revised in either of two ways. As a first option, it would read "Whether the subject of the course is related to marriage and family therapy with an emphasis upon systemic approaches or the theory, research or practice of psychotherapeutic work with couples or families." There would be no listing of subject content areas. The other option would be to keep the proposed deleted text following the first sentence. I.e., "Subjects related to marriage and family therapy include, but are not limited to: and list the subjects (1) throgh (12).

The present proposed wording is potentially confusing in that it suggests that the list of subject content areas "ARE"... These subject content areas are not NECESSARILY all related to marriage and family therapy or research. And there may be other subjects (for example, divorce mediation), which may be related but are not listed. It seems that it would be clearer to state the intent and omit the itemized list.

PRESIDENT
Karen K. Irvin, M.A.
Minnesota Mediation
& Counseling Center
23 Empire Drive, Suite 288
St. Paul, MN 55103
223-8500 (w)

PRESIDENT-ELECT
Eugene Burke
Midwest Center for Personal
and Family Development
Court International
2550 University Avenue, # 335-N
St. Paul, MN 55114
647-1900 (w)

SECRETARY
Beth Erickson
7600 Autumn Chase Dr.
Bloomington, MN 55438
831-5100 (w)

TREASURER
Debra Pearce-McCall
Family Therapy Institute
413 Wacouta St., Suite 500
St. Paul, MN 55101
221-1001 (w)

Minnesota School of Professional Psychology

1313 Fifth Street, S.E.
Suite 300
Minneapolis, MN 55414-1589
612-623-1811

August 9, 1990

Minnesota Board of Marriage and Family Therapy
2700 University Avenue West, Suite 225
St. Paul, MN 55114

Gentleperson:

I am writing in my capacity as a licensee of the Minnesota Board of Marriage and Family Therapy, as a practicing marriage and family therapist, as a marriage and family therapy educator, and as a member of the Continuing Education Committee to express my strong reservations and concerns regarding current and proposed Contining Education Requirements. (See Minnesota Rules, Chapter 5300.0320.) As the current and proposed rules stand, it is my interpretation that essentially any continuing education "course" which is in the mental health area meets the requirement. I specifically reference 5300.0320, Subp. 4 and note that these requirements do not require that the "course" be based on the systemic paradigm and also do not require a direct connection to marriage and family therapy. For example, a licensee could attend a workshop on social work case management of the chronically mentally ill with absolutely no reference to families or systemic thinking throughout the workshop. As the rules now read, this would need be accepted since it meets the current rule requirements. As a licensee, I have grave concerns that we are not requiring that the licensed MFTs receive any continuing education specifically on MFT. I believe the current and proposed rules do not, in effect, differentiate marriage and family therapy from social work, counseling and guidance, psychology, etc.

I very much urge the Board to rework this particular section of the Administrative Rules. I believe the very identity and integrity of the profession of marriage and family therapy is on the line here.

Respectfully,

Max Hines

Max Hines, PhD, LMFT

MH/mm

August 20, 1990

Attn: Sharon Davern Fecker
Minnesota Board of Marriage and Family Therapy
2700 University Avenue West (#225)
St. Paul, MN 55114

Dear Sharon:

I am writing to provide specific information regarding recommended changes in the Proposed Permanent Rules Relating to Marriage and Family Therapy as pertains to the area of Continuing Education. I shall provide the suggestions of the Continuing Education Committee and my reflections subsequent to the Continuing Education Committee discussion of these matters on August 9, 1990.

The Continuing Education Committee discussion 8-9-90 led to the following suggested Board changes in the Proposed Permanent Rules pertaining to Continuing Education:

1. Page 20, Subp. 4A: Replace *The course's relevance to current psychotherapeutic practice or the therapeutic practices of marriage and family therapists* with the following instead: *The course's relevance to the therapeutic practices of marriage and family therapists or the current psychotherapeutic practices of marriage and family therapists.*
2. Page 20, Subp 4D: Replace *Whether the subject of the course is related to marriage and family therapy. Subjects related to . . .* with the following instead: *Whether the subject of the course is related to marriage and family therapy. "Related to marriage and family therapy" implies an emphasis upon systemic approaches or the theory, research or practice of psychotherapeutic work with couples or families. Subject content areas related to . . .*
3. Page 16, Subpart 1, line 15: Insert the word *notorized* so that it reads as follows: *. . . and the fulfillment and notorized reporting of continuing education requirements . . . .*

Having now had some time to reflect upon the Continuing Education Committee's discussion and suggestions from our 8-9-90 meeting, the one suggestion I feel uncomfortable with is the first of those listed above. I consider the wording awkward and redundant in the suggested revision. The intention of the Continuing Education Committee is to eliminate language which would require that we accept for continuing education any topical area within the broader

field of psychotherapy. The *or* in *current psychotherapeutic practice or the therapeutic practices of marriage and family therapists* could be interpreted so as to circumvent entirely the field of marriage and family therapy. A licensee could argue that their continuing education need only be relevant to current psychotherapeutic practice with no need for any relevance to marriage and family therapy. Given the awkwardness and redundancy in suggestion #1 above, the Board may want to consider the following wording for page 20, Subp.4A: *The course's relevance to the therapeutic practices of marriage and family therapists.* That is my suggestion.

That's it. I'm tired and I am writing this at the end of a long day. I wish you and the Board well in your efforts to draft the highest quality Permanent Rules you possibly can.

Respectfully,



Max Hines, Ph.D.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of the Proposed
Adoption of Rules 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 rules, 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 December 21, 1990.

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

October 9, 1990

Senator Gene Merriam, Chairperson
Senate Finance Committee
122 Capitol
Saint Paul, Minnesota 55155

Dear Senator Merriam:

As required by Minnesota Statute 16A.128, I am hereby providing you with the notice of rulemaking related to fees. Enclosed is a copy of the official notice of rulemaking and a copy of the proposed rules.

Very truly yours,

Sharon Davern-Fecker

Sharon Davern-Fecker, Chair
Board of Marriage and Family Therapy

SDF/cms

Celebrate MINNESOTA 1990

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

October 9, 1990

Representative Wayne Simoneau, Chairperson
House Committee of Appropriations
365 State Office Board
Saint Paul, Minnesota 55155

Dear Representative Simoneau:

As required by Minnesota Statute 16A.128, I am hereby providing you with the notice of rulemaking related to fees. Enclosed is a copy of the official notice of rulemaking and a copy of the proposed rules.

Very truly yours,

Sharon Davern-Fecker, Chair
Board of Marriage and Family Therapy

SDF/cms

Celebrate MINNESOTA 1990

Minnesota Board of Marriage and Family Therapy

EXECUTIVE OFFICE
2700 UNIVERSITY AVENUE WEST
SUITE 225
ST. PAUL, MINNESOTA 55114
(612) 643-2586

October 11, 1990

Maryanne Hruby
Legislative Commission to Review
Administrative Rules
Room 55, State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Dear Ms. Hruby:

On July 26, 1990 the Board sent you a copy of the Statement of Need and Reasonableness in the matter of the proposed adoption of the permanent rules of the State of Minnesota, governing the Board of Marriage and Family Therapy.

Due to procedural defects, the Board is republishing its notice of intent to adopt permanent rules in the October 22, 1990 issue of the State Register, Volume 15, Issue 17. I have attached a copy of the revised Alternative Notice for your files.

If you have questions or concerns please feel free to contact the Board office (612/643-2580).

Sincerely,

Sharon Davern-Fecker

Sharon Davern-Fecker
Chair

Celebrate MINNESOTA 1990

BOARD OF MARRIAGE AND FAMILY THERAPY

CERTIFICATE OF THE BOARD OF
MARRIAGE AND FAMILY THERAPY
AUTHORIZING RESOLUTION

I, Sharon Davern-Fecker do hereby certify that I am a member and the Chair (office) of the 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 July, 1990, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that Sharon Davern-Fecker, the Chair of the Board of Marriage and Family Therapy, be and is hereby granted the authority and directed to sign and to give the notice of the Board's intent to adopt without a public hearing rules governing the licensure of marriage and family therapists, including but not limited to definitions, education, experience and supervision requirements, examinations, reciprocity, renewal, reinstatement, continuing education, variances, ethics and fees. She is further authorized and directed to provide the aforesaid notice to all persons who have registered their names with the Board for that purpose, to publish the notice and rules in the State Register, and to perform any and all acts incidental to such rulemaking procedures. In the event a public hearing becomes necessary, she hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as to perform any and all acts incidental

thereto, including but without being limited to signing an order for hearing and notice of hearing and acting as a Board representative at hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20 day of July, 1990.

Officer of the Board

Board Member

RECEIVED
90 JUL 10 AM 8:
ADMINISTRATIVE
HEARINGS

Board of Marriage and Family Therapy

Proposed Permanent Rules Relating to Marriage and Family Therapy

Rules as Proposed (all new material)

5300.0100 DEFINITIONS.

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

Subp. 2. **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, video, or television broadcasting.

Subp. 3. **Applicant.** "Applicant" means an individual seeking licensure by the Board of Marriage and Family Therapy as a marriage and family therapist.

Subp. 4. **Board.** "Board" means the Board of Marriage and Family Therapy created in Minnesota Statutes, section 148B.30, subdivision 1.

Subp. 5. **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 certification 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

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mandatory recertification and continuing education requirements.

Subp. 6. **Dual relationship.** "Dual relationship" means a relationship between a therapist and a client that is both professional and one or more of the following: cohabitational, familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for therapeutic services rendered.

Subp. 7. **Fee splitting.** "Fee splitting" means the practice of paying commissions to colleagues out of the fees received from clients who have been referred by the colleague.

Subp. 8. **Licensee.** "Licensee" means a licensed marriage and family therapist.

Subp. 9. **LMFT.** "LMFT" are the initials permitted to be used by a licensed marriage and family therapist to designate that the individual is licensed by the Board of Marriage and Family Therapy.

Subp. 10. **Marriage and Family Therapy.** "Marriage and Family Therapy" has the meaning given in Minnesota Statutes, section 148B.29, subdivision 3.

Subp. 11. **Postgraduate supervised experience.** "Postgraduate supervised experience" means supervised experience occurring after the educational institution grants the degree for licensure as shown on the applicant's transcript.

Subp. 12. **Regionally accredited.** "Regionally accredited" means those educational institutions accredited by the North Central Association of Schools and Colleges or a similar accrediting body with accreditation standards equal to or greater than the accreditation standards used by the North Central Association of Schools and Colleges.

Subp. 13. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:

A. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the therapist's body or by any object used by the

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therapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the therapist's body by any part of the patient's or former patient's body or by any object used by the patient or former patient for this purpose, if agreed to by the therapist;

B. kissing of, or the intentional touching by the therapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;

C. kissing of, or the intentional touching by the patient or former patient of the therapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the therapist agrees to the kissing or intentional touching.

Sexual contact includes requests by the therapist for conduct described in items A to C.

Sexual contact does not include conduct described in items A or B that is a part of standard medical treatment of a patient.

Subp. 14. **Sexual harassment.** "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the

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employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Subp. 15. **Supervisee.** "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.

Subp. 16. **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. 17. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160, and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.

Subp. 18. **Therapeutic deception.** "Therapeutic deception" means a representation by a therapist that sexual contact with the therapist is consistent with or part of the patient's or former patient's treatment.

Subp. 19. **Therapist.** "Therapist" means a licensee of the board.

Subp. 20. **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.

5300.0110 LICENSE REQUIREMENT.

Subpart 1. **License required.** No person, other than those individuals exempt in Minnesota Statutes, sections 148B.32, subdivision 2, and 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 therapist without obtaining a license issued under Minnesota Statutes, sections 148B.29 to 148B.39, and parts 5300.0100 to 5300.0360.

Subp. 2. **Engaging in marriage and family therapy practice,**

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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.

5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.

As stated in Minnesota Statutes, section 148B.38, those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from parts 5300.0110 to 5300.0360 so long as they do not represent themselves by a title denoting marriage and family therapist, such as marriage and family therapist, marriage therapist, family therapist, marriage and family counselor, marriage counselor, or family counselor unless specifically allowed to do so under Minnesota Statutes, section 148B.32, subdivision 2. Those qualified individuals listed in Minnesota Statutes, section 148B.38 may advertise the performance of marriage and family therapy services.

5300.0130 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, clauses (5)(i) and (ii);

B. have obtained the age of majority, the age of majority being 18 years according to Minnesota Statutes, section 645.451, subdivision 5.

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

D. 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;

E. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the

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code of ethics for marriage and family therapists in part 5300.0350; and

F. pass both parts of the examination listed in part 5300.0240.

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 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. All requested documentation must be sent directly from the educational institution to 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, if the degree is in a related subject field, and if the degree contains the following coursework:

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

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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 clinical client contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 300 hours, no more than 150 hours 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. 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. An applicant may not use a course for more than one area described in items A to F.

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

5300.0150 EXPERIENCE REQUIREMENTS.

Subpart 1. **Supervised experience required.** 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. **Years of experience; computation.** In calculating

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two years of supervised postgraduate experience in marriage and family therapy, the board shall accept a minimum of 1,000 hours of clinical client contact and 200 hours of supervision over a period of not less than 24 months.

Subp. 3. **Clinical client contact; requirements.** The applicant must demonstrate at least 500 hours of the clinical client contact required in the following categories of cases:

A. unmarried couples;

B. married couples;

C. separating and divorcing couples; and

D. family groups including children.

Subp. 4. **Supervision; setting.** The supervision shall take place in individual and group settings, according to items A and B.

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. 5. **Supervision requirements.** Supervision must involve:

A. at least 200 hours of face-to-face contact between the supervisor and supervisee of which at least 100 hours must be in individual settings;

B. 100 hours of supervision per year; and

C. 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. 6. **Verifying supervised 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 clinical client

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contact, the number of hours of supervision, and the name and qualifications of each supervisor.

5300.0160 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 three years and 3,000 hours of 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.

5300.0170 RESPONSIBILITIES OF SUPERVISOR.

A supervisor has the following responsibilities:

A. The supervisor must be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy services;

B. The supervisor must be knowledgeable of the important literature in the field of marriage and family therapy and professional ethics; and

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

5300.0180 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 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

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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, item A, made payable to the Board of Marriage and Family Therapy; and

C. The applicant must submit official transcripts of all graduate 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 degreed program documented by the applicant's transcripts meets the requirements of part 5300.0130, subpart 1, item A.

(2) The institution granting the degree must be regionally 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 60 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

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by Revisor _____

5300.0130, 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, item A.

5300.0200 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 E.

A. The applicant must submit evidence of having passed the written part of the examination in part 5300.0240, 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 and an agreement by the applicant that the applicant will conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350.

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

D. The applicant must submit a completed notarized form provided by the board, verifying the applicant's postgraduate, supervised experience, conforming to the requirements of part 5300.0150, subpart 6.

E. The applicant must submit two endorsements attesting to the applicant's good moral character. The endorsements must be completed and signed by individuals who meet the requirements for endorsers under part 5300.0230, subparts 1 and 2. The endorsements must be notarized on forms

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by Revisor _____

provided by the board.

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, item C.

5300.0210 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 have been met.

5300.0230 REQUIREMENTS FOR ENDORSEMENT.

Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements of parts 5300.0130, subpart 1, item D, and 5300.0200, subpart 1, item E, the endorser must:

A. be licensed by the board; or

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.

Subp. 2. **Limitations.** An endorser must not be an employee, independent contractor, patient, or former patient, or be related in any way to the applicant.

5300.0240 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:

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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 must pay the written examination fee in part 5300.0360, item B, 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. The written examination shall be offered twice per year on dates established by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **Oral part of examination.** The 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. The oral examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board and before the applicant is approved for licensure. The 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; and

D. other practice-related areas.

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.** The passing score of the written part of the examination is the

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passing score determined by the Association of Marriage and Family Therapy Regulatory Boards. The passing score for the oral examination shall be determined by the board. 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, but not more than five times without a variance. An applicant who is reexamined on the written part of the examination must pay the written examination fee in part 5300.0360, item B.

5300.0250 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 effect when the individual was licensed in the other state are at least equivalent to or exceed the current 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 application for licensure by reciprocity specified in part 5300.0360, item E. The application must be on a form provided by the board. The application must include a notarized statement that the information in the application is true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities according to the code of ethics in part 5300.0350.

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 to the board directly a statement that the license is in effect and in good standing on a form provided by the board, and a copy of the state's current

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licensing law and rules.

Subp. 4. **Discipline in another jurisdiction; effect on licensing.** The board may refuse to grant a license or may impose disciplinary action as described in Minnesota Statutes, section 148B.37, subdivision 1, for:

A. revocation, suspension, restriction, limitation, or other disciplinary action against the applicant's license in another state or jurisdiction;

B. failure to report to the board that charges regarding the applicant's license have been brought in another state or jurisdiction; or

C. having been refused a license by another state or jurisdiction.

Subp. 5. **Proof of equivalency.** The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in effect when the individual was licensed in the other state are at least equivalent to or exceed the current licensing requirements in Minnesota.

5300.0260 TERM OF LICENSE.

Subpart 1. **Effective date.** An initial license is effective after:

A. the board notifies the applicant in writing that the applicant has been approved for licensure;

B. the applicant has paid the initial license fee in part 5300.0360, item D; and

C. the board assigns a license number to the applicant.

Subp. 2. **Initial licensure period; 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

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procedures in part 5300.0280.

5300.0270 DISPLAY OF LICENSE.

A licensed marriage and family therapist must display the therapist's license and evidence of current renewal in a conspicuous place in the therapist's office, or place of business or employment. Evidence of current renewal will be provided by the board upon renewal of the license. A duplicate license shall be issued to a licensee after the licensee requests a duplicate license from the board and pays the duplicate license fee in part 5300.0360, item K.

5300.0280 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, item F, completion of a notarized renewal application, and the fulfillment and reporting of continuing education requirements in part 5300.0320.

Subp. 2. **Notice of renewal.** The board shall send the licensee a written 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 within 45 days after moving.

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 a completed renewal application on a form provided by the board. The licensee must submit the renewal application so that the application is 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, item F, must accompany the renewal application for the renewal application to be complete.

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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, items F and G, if the licensee's application for renewal is postmarked after December 31.

5300.0290 FAILURE TO RENEW.

Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit the renewal application according to part 5300.0280, subparts 3, 4, 5, and 6 or fails to fulfill or report continuing education requirements in part 5300.0320.

Subp. 2. **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, items F and G, on or before December 31, the license expires and the licensee's right to practice terminates on December 31.

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 notice to the licensee's last known address on record with the board.

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

5300.0300 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A license that has expired under part 5300.0290 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 any other state, or used a title

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denoting marriage and family therapist since expiration of the license unless licensed by another state. 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, item H;

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 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 the renewal fee specified in part 5300.0360, item F, and late renewal fees specified in part 5300.0360, item G, 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 five years or more.** A former licensee whose license expired under part 5300.0290 five years or more before the application for reinstatement must:

A. retake the written examination required for licensure of marriage and family therapists given by the board according to part 5300.0240, subpart 3;

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

C. pay the renewal fee specified in part 5300.0360,

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item F, and late renewal fees specified in part 5300.0360, item G, 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 therapist since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement. Nothing in this subpart precludes the board from seeking injunctive relief under Minnesota Statutes, section 214.11 for the unauthorized practice of marriage and family therapy or from referring the matter to criminal law enforcement officials under Minnesota Statutes, section 148B.32, subdivision 3.

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

5300.0310 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. If a complaint is pending against a licensee, a license may not be voluntarily terminated until any indicated action relative to the complaint is concluded. The board must receive the request to terminate before expiration of the license for failure to renew under part 5300.0290, 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, except that payment of the late renewal fees shall not be required.

5300.0320 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

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is not required during the licensee's initial licensure period, defined in part 5300.0260, subpart 2. After the initial licensure period, the licensee must complete a minimum of 15 hours of continuing education by December 31 every year.

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 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 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 subject of the course is related to marriage and family therapy. Subjects related to marriage and family therapy include, but are not limited to:

(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;

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(8) research methodology;

(9) theories and application of psychometric testing in marriage and family therapy;

(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 of the course.

Subp. 5. **Committee evaluation.** The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.

Subp. 6. **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 sponsor's application for approval of a continuing education course fee specified in part 5300.0360, item I.

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;

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(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 or other form of verification of attendance 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 one year 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, item I, before the expiration of the one-year period.

(1) Each sponsor of an approved course may announce, as to a course that has been approved by the board, that: "This course has been approved by the Minnesota Board of Marriage and Family Therapy for ... hours of credit."

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

D. The board shall approve or disapprove a sponsor's application for course approval.

E. 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.

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

Subp. 7. **A licensee's application for course approval.** A licensee must apply individually for approval of continuing education courses sponsored by organizations that have not

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applied and been approved by the board in subpart 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.

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) a detailed description of the course content;

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

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

B. Licensees seeking approval for a course not previously approved by the board are strongly encouraged to seek board approval before attending the course.

C. The board shall deny approval for a course if it does not meet the standards in subpart 4. The board shall notify the applicant in writing of its reasons for denying approval of a course under this subpart.

Subp. 8. **Sources of credit.** Continuing education credit may not be applied for self-study, personal therapy, or other methods not structured on sound education principles. 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. 9. **Hours of credit.** Continuing education shall be credited on an hour-for-hour basis. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

Subp. 10. **Exemption from continuing education**

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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, accompanied by a notarized statement from the licensee's physician.

Subp. 11. **Discontinuance of exemption from continuing education requirements.** A licensee claiming exemption under subpart 10 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.

5300.0330 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. **Conviction of crime.** According to Minnesota Statutes, section 148B.37, subdivision 1, clause (2), the crimes that the board shall determine to be of a nature to render the convicted individual unfit to practice marriage and family therapy consist of the crimes described in Minnesota Statutes, sections 144.227, 151.37, 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.215, 609.221, 609.222, 609.223, 609.2231, 609.224, 609.231, 609.235, 609.24, 609.245, 609.25, 609.255, 609.26,

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609.265, 609.342, 609.343, 609.344, 609.345, 609.3451, 609.352, 609.365, 609.48, 609.485, 609.498, 609.50, 609.507, 609.52, 609.561, 609.562, 609.563, 609.582, 609.595, 609.625, 609.66, 609.713, and 609.79.

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

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

B. as a condition of restoring any license suspended, revoked, or otherwise acted against 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 and evidence of current license renewal to the board office by registered or certified mail postmarked within three days after the effective date of the board's order of suspension or revocation. Failure to return the license and evidence of current license renewal is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

Subp. 5. **Restoring a license.** The board shall restore a license according to Minnesota Statutes, section 148B.37, subdivision 2. A licensee whose license has been revoked or suspended and subsequently restored by the board must comply with the requirements for reinstatement in part 5300.0300 and must pay the penalty fee in part 5300.0360, item J.

5300.0340 VARIANCE.

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

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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 petition for the variance.

Subp. 4. **Renewal; notice of change; revocation.** If required by the board, a variance shall be renewed upon petition for a renewal of the variance at the time specified by the board when granting the variance if the circumstances justifying the variance continue to exist, their existence is not due to failure to comply with the correction of these conditions, and if all of the requirements of subparts 1, 2, and 3 are met. 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 shall be revoked if there is a material change in the circumstances which justified the granting of 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 subparts 1 and 2 have been met.

Subp. 6. **Notice of variance; denial; revocation.** The

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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, if required, and must state alternative practices or measures the licensee or applicant must meet.

5300.0350 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. **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, interns, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships

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that could impair the therapist's professional judgment or increase the risk of exploitation. Sexual contact between the therapist and students, employees, independent contractors, colleagues, or supervisees is prohibited for two years after the date that the relationship is terminated, whether or not the party is informed that the relationship is terminated. Sexual contact after two years with a former student, intern, employee, or supervisee is prohibited:

(1) if the former student, intern, employee, or supervisee was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

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

E. A therapist must not use or exploit the professional relationship with a student, trainee, intern, employee, independent contractor, colleague, research subject, or actual or potential witness or complainant in ethical proceedings in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

F. 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. The therapist must make a reasonably prompt referral when requested to do so by the client, without consideration of limitation of third-party payors.

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

H. 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. If a client refuses to allow consultation, the therapist should delay the administration of service until the client gives consent to consultation. The exception to the consultation requirement would be if the client reports ethical violations by the other professional.

I. 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.

J. 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.

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

L. 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.

M. 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 this part according to Minnesota Statutes, section 148B.07, subdivision 4.

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

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

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

Q. A therapist must make certain that the qualifications of a person in a therapist's employ is a student,

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independent contractor, or an intern represented in a manner that is not false, misleading, or deceptive.

R. 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. 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 marriage therapist is bound by these ethics primarily. These ethics supercede any policies of an employer or contractor that may be contrary to the ethics in this part.

A. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of age, sex, race, national origin, religion, physical handicap, political affiliation, or social or economic status. In addition, a therapist must not discriminate on the basis of affectional preference, or choice of lifestyle. When unable to offer services for any reason, a therapist shall make an appropriate referral.

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 therapist's professional judgment or increase the risk of exploitation.

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

D. A therapist must recognize the importance of clear

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understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

E. A therapist must not engage in sexual contact or other physical intimacies with a client. Sexual contact with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual contact after two years with a former client is prohibited:

(1) if the former client was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

F. 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. For purposes of this item, sexual harassment has the meaning given it in Minnesota Statutes, section 363.01, subdivision 10a.

G. A therapist must not use or exploit the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

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

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

J. 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.

K. A therapist must respect the right of a client to

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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.

L. 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.

M. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children under Minnesota Statutes, section 626.556 and vulnerable adults under Minnesota Statutes, section 626.557.

N. 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

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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.

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

Subp. 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 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. For purposes of safeguarding confidentiality, when seeing a couple or a family, a therapist must define who the "client" is as soon as it is possible to determine the client. For example, the therapist must define whether the couple or family, as a unit, is the client or whether the individuals who make up the couple or family are the clients.

D. When seeing a couple or a family, a therapist must inform the client, at the beginning of the relationship, what the therapist's procedures are for handling confidences from individual members of the family and for protecting individuals' privacy while safeguarding the integrity of the therapy process.

E. 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

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treat any information gained in the course of rendering the services as private information.

F. 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.

G. 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.

H. 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.

I. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party supervisory observation of their sessions. The consent form should specify the purpose and proposed audience for the recording.

J. 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. 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 according to the requirements of the "Ethical Principles of Psychologists, General Principle 9: Research with Human Participants," American Psychological Association, as amended June 2, 1989. These requirements are incorporated by reference and are not subject to frequent change. The requirements were

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published in "American Psychologist" March 1990, Volume 45, Number 3, pages 390-395. They are available through the Minitex interlibrary loan system. Participation in research is voluntary.

5300.0360 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 admission to written examination fee, $200;

B. written examination fee, not to exceed $250;

C. application for licensure fee, $100;

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

E. application for licensure by reciprocity fee, $300;

F. annual renewal of license fee, $100;

G. late renewal fee, $50;

H. reinstatement of license fee, $150;

I. sponsor's application for approval of a continuing education course fee, $25;

J. penalty fee, $75;

K. duplicate license fee, $25.

The written examination fee in item B will be determined by the professional examination service approved by the Association for Marriage and Family Therapy Regulatory Boards administering the examination.

The initial license fee in item E will be prorated accordingly, depending on the month in which the applicant is approved for licensure.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Marriage and Family Therapy

AGENCY: Board of Marriage and Family Therapy

MINNESOTA RULES: Chapter 5300

INCORPORATIONS BY REFERENCE:

5300.0350, subpart 7: Ethical Principles of Psychologists, General Principle 9: Research with Human Participants, American Psychological Association. Available through Minitex interlibrary loan system.

The attached rules are approved for publication in the State Register

Kathleen T. Harrington
Assistant Revisor