

CHAPTER 5300

BOARD OF MARRIAGE AND FAMILY THERAPY

MARRIAGE AND FAMILY THERAPY

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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, television broadcasting, or other technological means.

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 another person with whom such relationships are prohibited by law or rule 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. 6a. **Emeritus.** "Emeritus" means retired from active practice but retaining one's license and title.

Subp. 7. **Fee splitting.** "Fee splitting" means the practice of paying commissions to colleagues for referrals.

Subp. 7a. **LAMFT.** "LAMFT" are the initials permitted to be used by a licensed associate marriage and family therapist to designate that the individual is licensed by the Board of Marriage and Family Therapy.

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 and all educational requirements specified in part 5300.0140 have been completed.

Subp. 12. **Regionally accredited.** "Regionally accredited" means that an educational institution has been accredited by the North Central Association of Schools and Colleges, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, Western Association of Schools and Colleges, or a postgraduate academic program in marriage and family therapy accredited by the Commission on Accreditation of the American Association for Marriage and Family Therapy.

Subp. 13. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a person with whom such conduct is prohibited by law or rule:

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

B. kissing of, or the intentional touching by the therapist of another person'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 another person 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 item 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:

A. 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;

B. 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

C. 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

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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 or unethical conduct with the therapist is consistent with or part of the professional work with a client, student, or supervisee or former client, student, or supervisee.

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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 regional 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. nine semester hours in human development covering human development, human behavior, personality theory, human sexuality, psychopathology including the assessment and diagnosis of mental illness, and behavior-pathology;
- B. nine semester hours 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. nine semester hours in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, treatment planning, sex therapy, major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy;
- D. three semester hours in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

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E. three semester hours 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. This clinical experience must be supervised on site or at the academic institution by a licensed marriage and family therapist or an American Association for Marriage and Family Therapy approved supervisor.

Four quarter credit hours shall be equivalent to three semester hours in meeting the requirements in items A to E. 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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

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 including the assessment, diagnosis, and treatment of mental illness as specified in subpart 3 with 200 hours of supervision by a Minnesota licensed marriage and family therapist over a period of not less than 24 months. All additional work used to complete this two-year experience may be supervised in a legal and ethical manner by a licensed mental health professional listed in Minnesota Statutes, section 245.462, subdivision 18, clauses (1) to (5), or 245.4871, subdivision 27, clauses (1) to (5), or both.

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.

This contact shall include experience in the assessment, diagnosis, and treatment of mental illness.

Subp. 4. **Supervision; setting.** The supervision by a Minnesota licensed marriage and family therapist 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 or video 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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

5300.0160 REQUIREMENTS FOR SUPERVISOR.

A supervisor is acceptable to the board if the supervisor was listed by the board under this part prior to January 19, 1999, except that those supervisors must meet the continuing education requirement specified in part 5300.0170, item D. After January 19, 1999, new supervisors are 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 licensed marriage and family therapist; and
- C. provides evidence of training in supervision. Evidence must be shown through graduate level academic course work in supervision equivalent to three semester hours from a regionally accredited institution or 30 hours in continuing education, or designation by the American Association for Marriage and Family Therapy as an approved supervisor.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

5300.0170 RESPONSIBILITIES OF SUPERVISOR.

A supervisor must:

- A. be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy services;
- B. be knowledgeable of the important literature in the field of marriage and family therapy and professional ethics, and the supervisor must be knowledgeable about the basic skills and service delivery of supervision;
- C. see that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls; and
- D. devote at least ten percent of the required continuing education hours to supervision.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

5300.0175 LICENSURE PROCESS FOR LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS.

A licensed associate marriage and family therapist is one who has completed the educational requirements in part 5300.0140 and who has passed the written examination specified in part 5300.0240. Licensed associate marriage and family therapists must practice under the supervision of a board qualified supervisor as specified in parts 5300.0160 and

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5300.0170. Licensed associate marriage and family therapists must observe the same laws and rules that govern the practice of licensed marriage and family therapists. Licensed associate marriage and family therapist status shall be granted for one year upon completion of the board's application form and payment of the required fee. Licensed associate marriage and family therapist status may be renewed on a yearly basis for up to four additional years.

Statutory Authority: *MS s 148B.31*

History: *23 SR 1540*

5300.0180 LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS.

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

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 D.

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.

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.

D. An applicant for licensure must inform the board within 30 days of any changes in name, residential address, or business and residential telephone numbers.

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. Admission to the examination shall be complete only after receipt by the board from the applicant of the examination fee specified in part 5300.0360, item B.

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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 or country whose licensure standards are at least equivalent to or exceed the requirements for licensure in Minnesota.

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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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES.

Subpart 1. **National written and state 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. a state 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. **National 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 on dates established by the Association of Marriage and Family Therapy Regulatory Boards.

Subp. 4. **State part of examination.** The state 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 state 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 state 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 state 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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

5300.0250 RECIPROCITY.

Subpart 1. **Other states or countries 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 or country if the board determines that the standards for

licensure in effect when the individual was licensed in the other state or country are at least equivalent to or exceed the current requirements for licensure in Minnesota. If an applicant for licensure by reciprocity was licensed in another state or country without passing the written examination specified in part 5300.0240, subpart 3, but meets all other Minnesota requirements, the applicant may submit an application for licensure by reciprocity after passing the examination according to part 5300.0240, subpart 6. All applicants for licensure by reciprocity must pass the state examination specified in part 5300.0240, subpart 4.

Subp. 2. Application required. An individual who holds a current license as a marriage and family therapist from another state or country 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 or country required. The applicant must direct the board of examiners of the state or country 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 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 or jurisdiction are at least equivalent to or exceed the current licensing requirements in Minnesota.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

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 procedures in part 5300.0280.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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, address, or residential or business telephone numbers within 30 days after any change.

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.

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, or delivered to the board office by nonpostal means after December 31.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

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. The board shall instruct the former licensee to promptly return the licensee's board issued license certificate, written in calligraphy, to the board office.

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

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

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 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, 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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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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. 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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540*

5300.0315 EMERITUS LICENSE STATUS.

Subpart 1. **Emeritus status; requirements.** A marriage and family therapist duly licensed to practice marriage and family therapy in the state under Minnesota Statutes, chapter 148B, who has reached the age of 62 and is retired from the active practice of marriage and family therapy, may apply to the board for emeritus status:

A. by indicating on the licensee's renewal form or by petitioning the board in writing;

B. by indicating the licensee has not been the subject of disciplinary action resulting in the suspension, revocation, qualification, condition, or restriction to practice marriage and family therapy; and

C. by paying the annual emeritus fee.

Subp. 2. **Limit on practice.** A licensee who has emeritus status shall not engage in marriage and family therapy practice or practice as a mental health professional as defined in Minnesota Statutes, sections 245.462, subdivision 18, and 245.4871, subdivision 27.

Subp. 3. **Continuing education not required.** Continuing education requirements are not applicable to emeritus status.

Subp. 4. **Reactivating license.** In the exceptional case that a marriage and family therapist issued an emeritus license should wish to resume practice, the board shall reactivate the license according to the procedure in part 5300.0300 except that the only fee required shall be the reinstatement fee specified in part 5300.0360, item H, and the current annual renewal fee specified in part 5300.0360, item F.

If a licensee has had an emeritus license more than five years, the license may be reactivated only as specified in part 5300.0300, subpart 3.

Statutory Authority: *MS s 148B.31*

History: *23 SR 1540*

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.** Licensees must complete a minimum of 30 hours of continuing education every two years. The required number of hours shall be prorated for persons who are initially licensed during a given reporting period. Proof of completion of the required hours must be submitted to the board by December 31 of each odd-numbered year. The initial two-year period begins on January 1 of each even-numbered 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. Licensees shall keep attendance certificates for at least five years as the board may conduct random audits to verify compliance with subpart 2.

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. Courses may be approved for all attendees when submitted by the sponsor as prescribed in subpart 6 or a licensee may request individual approval as prescribed in subpart 7.

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.

B. Whether the course is structured on sound educational principles and fits into one of the following categories:

(1) structured educational programs with an instructor as a part of conventions, workshops, seminars, lectures, interactive media, and graduate and postgraduate courses from regionally accredited institutions. All course work must include the areas described in item D, subitems (1) to (6); and

(2) home study courses related to marriage and family therapy as described in item D. Programs must have an independently graded test component. No more than one-fourth of the required 30 continuing education hours may be earned by this method.

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. Time for home study courses shall be based on developer's research on average time to complete.

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. Continuing education for marriage and family therapy generally evolves from the following areas:

(1) historical, theoretical foundations, and contemporary conceptual directions of the field of marriage and family therapy;

(2) assessment, diagnosis, and treatment in marriage and family therapy including both dysfunctional relationship patterns and nervous and mental disorders, whether cognitive, affective, or behavioral;

(3) family studies including the life cycle of the family, the process and modification of family structures over time, and issues related to ethnicity, race, socioeconomic status, culture, gender, and sexuality;

(4) human development including human behavior, personality theory, sexuality, psychopathology, behavior pathology, and physical and mental impairments and disabilities that affect normal development;

(5) ethics and professional studies covering legal responsibilities and liabilities of licensure, clinical practice, research, family law, and confidentiality issues; and

(6) supervision in marriage and family therapy including theories and practices.

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

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.

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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 or developer which shows the instructor's or developer'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. A licensee must apply individually for approval of continuing education courses that have not been approved by the board in subpart 6. The licensee must submit information required in item B, as well as other information the board reasonably requires to evaluate the course for approval.

B. 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 or presenter and the instructor's or presenter's credentials; and

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

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

D. 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 marketing the business aspects of one's practice, time management, supervisory sessions, staff orientation, agency activities that address procedural issues, personal therapy, or other methods not structured on sound education principles or contrary to the code of ethics. Continuing education credit may be applied for the following programs that comply with the requirements of subpart 4:

A. programs specifically listed in subpart 4, item B, subitems (1) and (2);

B. teaching a marriage and family course in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. The course must be related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). Ten continuing education hours may be earned for each semester credit hour taught;

C. research of an original nature directly related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). This activity must be preapproved by the board. Hours of credit for this activity shall be negotiated based on the nature of the project. Contact the board office for appropriate preapproval forms;

D. authoring, editing, or reviewing in an area of marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). Continuing education hours may be earned only in the year of publication. The maximum hours earned are as follows:

- (1) author of a professional book, 30 hours;
- (2) author of a professional book chapter or journal article, 15 hours;
- (3) editor of a professional book or journal, 25 hours; and
- (4) journal article review, one hour per manuscript;

E. presentations at workshops, seminars, symposia, meetings of professional organizations, or postgraduate institutes. The presentation must be related to marriage and family therapy as described in subpart 4, item D, subitems (1) to (6). One hour of development time equals one continuing education hour and up to three hours of development time may be claimed for each hour of presentation. Continuing education hours may be earned only for the licensee's first presentation on the subject developed; and

F. individually designed continuing education activity. Licensees may submit proposals for continuing education activities which do not meet other guidelines established within this part. The proposal request must include the following:

- (1) the rationale for pursuing an individually designed activity;
- (2) specific goals and objectives, and an explanation of how the goals and objectives are related to the enhancement of the licensee's professional skills;
- (3) an outline of the topics to be covered;
- (4) a description of related resources and activities;
- (5) the proposed documentation of completion of activity; and
- (6) the estimate of time to be expended on the activity and the number of continuing education hours requested. The board shall have final say in the number of hours credited for completion of such activity.

Items D to F require preapproval. The applicant must obtain preapproval forms from the board.

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Subp. 9. **Hours of credit.** Continuing education shall be credited on an hour-for-hour basis except as noted in subpart 8. "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:

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

B. is permanently disabled and unable to practice marriage and family therapy, accompanied by a notarized statement from the licensee's physician; or

C. has been granted emeritus status as specified in part 5300.0315.

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.

Statutory Authority: *MS s 148B.31; 148B.33; 148B.37; 214.06*

History: *15 SR 1782; 16 SR 865; 23 SR 1540*

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, 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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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:

- 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 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.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782*

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 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 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 shall use only academic degrees from regionally accredited institutions that are related to the practice of marriage and family therapy in any situation or circumstance related to the practice of marriage and family therapy. Those therapists holding current Minnesota mental health professional licenses issued by other Minnesota licensing boards may also use degrees and titles directly related to these licenses as permitted by the other boards when the other licensure is cited with the marriage and family licensure.

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

R. A therapist must make certain that the qualifications of 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.

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

Subp. 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 supersede 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 disability, 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 363A.03, subdivision 43.

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, University Park Plaza Building, 2829 University Avenue SE, Suite 330, Minneapolis, MN 55414-3222;
- (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 144.292; 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.

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.

K. A client who is the recipient of marriage and family therapy services has the right to access the records related to the service maintained by the licensee on that client, as provided in Minnesota Statutes, section 144.292, provided the records are not classified as confidential under Minnesota Statutes, section 13.84. A marriage and family therapist must maintain an accurate record for each client. Each record must minimally contain:

- (1) a client personal data record which shall include the presenting problem;
- (2) a treatment plan with a diagnosis and justification for it and treatment goals;

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- each;
 - (3) an accurate chronological listing of all client contacts and a summary of each;
 - (4) records of any consultation or supervision received in relation to the client;
 - (5) a termination statement indicating the date and reason for termination, the client's condition at the time, and any recommendations made to the client;
 - (6) copies of all client authorization for release of information and any other legal forms pertaining to the client; and
 - (7) a chronological listing of all fees or charges for services related to the client and to whom the fees were charged. This record may be kept separate from the client's clinical file.

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 Minnetex interlibrary loan system. Participation in research is voluntary.

Statutory Authority: *MS s 148B.31; 148B.37; 214.06*

History: *15 SR 1782; 23 SR 1540; L 2005 c 56 s 2; L 2007 c 147 art 10 s 15*

5300.0360 [Repealed, L 2002 c 379 art 1 s 114]