

5300.0350 CODE OF ETHICS.

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

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

Subp. 3. **Violations.** A violation of the code of ethics is a sufficient reason for disciplinary action, corrective action, or denial of licensure.

Subp. 3a. **Conflicts.** If the provider's work setting requirements conflict with the marriage and family therapy code of ethics, the provider shall clarify the nature of the conflict, make known the requirement to comply with the marriage and family therapy code of ethics, and seek to resolve the conflict in a manner that results in compliance with the marriage and family therapy code of ethics.

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

A. A therapist must limit practice to the professional services for which they have competence or for which they are developing competence. When the therapist is developing a competence in a service, the therapist shall obtain professional education, training, continuing education, consultation, supervision, experience, or a combination thereof necessary to demonstrate competence. If a complaint is submitted alleging a violation of this subpart, the therapist must demonstrate that the elements of competence have reasonably been met.

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

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 multiple relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Sexual contact between the therapist and students, employees, interns 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, supervisees, interns, employees, 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, supervisee, intern, employee, 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 the limitations to the scope of practice of marriage and family therapy. When the needs of a client appear to be outside this scope, a therapist must inform the client that there are other professional, technical, community, and administrative resources available to the client. The therapist must make referrals to those resources when it is in the best interest of the client 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. During any period where the therapist is unable to practice with reasonable skill and safety, the therapist shall either promptly terminate the professional relationship with all clients or shall make arrangements for other health providers to provide services that are needed by a client during the period of impairment.

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, or under the therapist's supervision, are represented in a manner that is not false, misleading, or deceptive.

S. A therapist must pursue knowledge of new developments and maintain competence in marriage and family therapy through education, training, or supervised experience.

T. A therapist shall maintain current knowledge on the use and impacts of technology in providing, documenting, training, and supervising marriage and family therapy, in order to safeguard the welfare of clients, students, interns, and supervisees.

U. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or any conduct that fails to conform to minimum standards of acceptable and prevailing practice 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 therapist's primary professional responsibility is to the client. A therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A 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 therapist is bound by these ethics primarily.

A. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of race, age, ethnicity, socioeconomic status, disability, gender, health status, religion, national origin, sexual orientation, gender identity, or relationship status. A therapist or client may terminate professional services unless prohibited by law or court order. 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 multiple relationships with clients that could impair the therapist's professional judgment or increase the risk of exploitation.

C. A therapist must 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 any sexual behavior with a client. Sexual behavior with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual behavior 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 behavior 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 comply with all laws concerning the reporting of abuse or neglect of minors or vulnerable adults.

N. A therapist must display prominently on the premises of the 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 education, training, and experience required by state law;

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

(3) to report complaints to the Board of Marriage and Family Therapy;

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

(5) to privacy as defined and limited by rule and law;

(6) to be free from being the object of unlawful discrimination while receiving services;

(7) to have access to their records as provided in Minnesota Statutes, sections 144.291 to 144.298, except as otherwise provided by law or prior written agreement; and

(8) 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.

P. Prior to commencing therapy through electronic means including, but not limited to, telephone and Internet, a therapist must:

(1) ensure compliance with all relevant laws for the delivery of the services;

(2) determine that technologically assisted therapy is appropriate for the client, taking into account the client's physical, emotional, and intellectual needs;

(3) inform the client of the potential risks and benefits associated with technologically assisted therapy including, but not limited to, issues of confidentiality, clinical limitations, transmission difficulties, and ability to respond to emergencies;

(4) ensure the security of the communication medium; and

(5) only commence technologically assisted therapy after appropriate education, training, or supervised experience using the relevant technology.

Subp. 6. Confidentiality and keeping of records. A therapist must safeguard all private information obtained in the course of professional services. A therapist may disclose client information only as permitted by law and rule.

A. A therapist must not disclose any private information acquired in rendering professional services except as provided by Minnesota law and rule. All other private information may be disclosed only with the informed consent of the client, except disclosure of private information may occur without the consent of the client when disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another individual, including the therapist, or as otherwise provided by law, rule, or court order. In such case, the private information is to be disclosed only to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties in a position to prevent or avert the harm.

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. The therapist must disclose the limitations, if any, to each client's right to privacy.

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. A therapist shall inform a minor client, to the extent that the client can understand, that the law imposes limitations on the right of privacy of the minor with respect to the minor's communications with the therapist.

F. 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.

G. 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.

H. 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.

I. A therapist must disclose to the board and its agents client records as required by Minnesota Statutes, sections 148B.11 and 148B.39.

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

K. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of supervision, training, research, professional meetings, or publications, unless the therapist has obtained a signed release of information.

L. A client who is the recipient of marriage and family therapy services has the right to access and release private information maintained by the therapist, including client records, as provided in Minnesota Statutes, sections 144.291 to 144.298, provided the records are not classified as confidential under Minnesota Statutes, section 13.84, or except as otherwise provided by law or court order. A 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 treatment goals and any subsequent revision;
- (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 authorizations for release of information and any other forms pertaining to the client including documentation of informed consent; 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 therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. A therapist must inform participants of the aspects of the research that might reasonably be expected to influence willingness to participate. A therapist must inform a research participant of the ability to decline participation in or to withdraw from a research study at any time.

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; 41 SR 87*

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