

Board of Marriage and Family Therapy

Proposed Permanent Rules Relating to Licensure for Marriage and Family Therapists

5300.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of ~~parts 5300.0100 to 5300.0360~~ this chapter, 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~~ the form of an article or publication in any form of print media. Advertising also includes business solicitations communicated by individual, radio, video, television broadcasting, or any other technological means.

[For text of subps 3 to 5, see M.R.]

Subp. 6. [See repealer.]

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~~ compensating others for referrals.

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

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

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

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

Subp. 10a. **Multiple relationship.** "Multiple relationship" means a relationship between a therapist and another person that is both professional and one or more of the following:

A. cohabitational;

B. familial;

C. one in which there is or has been personal involvement with the person or a family member of the person that is reasonably likely to affect adversely the person's welfare or ability to benefit from services; or

D. one in which there is a significant financial involvement other than legitimate payment for professional services rendered that is reasonably likely to affect adversely the person's welfare or ability to benefit from services.

Subp. 11. **Postgraduate supervised experience.** "Postgraduate supervised experience" means supervised experience occurring after the educational institution grants the graduate degree or postgraduate certificate 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~~ a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA).

Subp. 12a. **Sexual behavior.** "Sexual behavior" includes sexual contact or any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing.

[For text of subp 13, see M.R.]

~~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:~~ has the meaning given in Minnesota Statutes, section 363A.03, and

~~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 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 supervised while engaged in a graduate program practicum or internship, or postgraduate, supervised experience under the direction of a supervisor needed to obtain credentialing by the board, or to comply with a board order.

[For text of subp 16, see M.R.]

Subp. 17. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160, has been credentialed as a supervisor by the board, and takes full professional responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing:

- A. complete a practicum or internship;
- B. complete a postgraduate supervised experience to obtain credentialing by the board; or
- C. satisfy a board requirement or order.

[For text of subp 18, see M.R.]

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

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~~ this chapter.

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~~ this chapter.

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~~ presented as one who is able to perform such a service.

5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.

~~As stated in~~ Under 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~~ 5300.0350 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~~ their qualifications to perform marriage and family therapy services.

5300.0130 REQUIREMENTS FOR LICENSURE AS A LICENSED MARRIAGE AND FAMILY THERAPIST.

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~~ clause (5), items (i) and (ii), and defined in part 5300.0140;

[For text of items B to E, see M.R.]

F. ~~pass both parts of the examination~~ national and state examinations listed in part 5300.0240.

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

5300.0135 REQUIREMENTS FOR LICENSURE AS A LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST.

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

A. complete the education requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (5), items (i) and (ii), and defined in part 5300.0140;

B. be 18 years of age;

C. agree to conduct all professional activities as a licensed associate marriage and family therapist as specified in the code of ethics for marriage and family therapists in part 5300.0350; and

D. pass the national examination as listed in part 5300.0240.

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

5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.

[For text of subp 1, see M.R.]

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree, or postdegree graduate certificate or coursework, is equivalent to a master's or doctoral degree in marriage and family therapy if the degree or coursework is from a regionally accredited institution, if the degree or graduate coursework is in a related subject field including mental health, family studies, or human development, and if the degree contains the following coursework:

A. nine semester hours in human development covering human development over the life span, child and adolescent or adult development, human behavior, personality

theory, human sexuality, psychopathology including the assessment and diagnosis of child, adolescent, and adult mental illness, and ~~behavior-pathology~~ behavioral disorders;

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, including gender, race, ethnicity, class, and religion, 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, couples or family therapy, methods of intervention, couples or family assessment, treatment planning, and sex therapy, ~~major theories of marital and family therapy such as structural, strategic, transgenerational, experiential, object relations, contextual, and systemic therapy~~ all informed by current research and professional standards of practice. Foundational theories of marriage and family therapy and other emerging models of therapy are included in these hours;

D. three semester hours in research covering current research design, methods, statistics, and special issues research in marital and family studies or a related mental health field;

E. three semester hours in ethical and professional studies covering professional ethics, family law, professional socialization, professional organizations, legal issues, and 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 including assessment, diagnosis, and treatment of individuals, couples, and families ~~for the purpose of assessment and intervention.~~ Of the 300 hours, ~~no more than~~ at least 150 hours ~~may~~ must be with individuals couples, families, or similar relational groups. 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.

5300.0145 DEGREES FROM FOREIGN INSTITUTIONS.

In addition to meeting all other licensure requirements, an applicant for licensure whose degree was received from a foreign degree program or from a foreign institution of higher education shall demonstrate to the satisfaction of the board that the degree meets the requirements of part 5300.0140. The applicant shall provided the board with a comprehensive evaluation of the degree performed by a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and any other documentation the board deems necessary. The evaluation must be sent directly to the board from the evaluating agency. The applicant shall be responsible for the expenses incurred as a result of the evaluation.

5300.0150 EXPERIENCE REQUIREMENTS; PERSONS IN POSTGRADUATE SUPERVISED EXPERIENCE PRIOR TO AUGUST 1, 2016.

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~~ not less than 4,000 hours of supervised professional experience including at least 1,000 hours of clinical client contact including the assessment, diagnosis, and treatment of mental illness, and cognitive, emotional, and behavioral disorders, as specified in subpart 3 with 200 hours of clinical supervision by a board-approved, Minnesota licensed marriage and family therapist supervisor over a period of not less than 24 months. All additional work used to complete this ~~two-year experience may~~ 4,000 hours must 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 document~~ at least 500 hours of the clinical direct client contact required in the following categories of cases: in working with couples, families, or other relational groups.

- 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 and cognitive, emotional, and behavioral disorders.

Subp. 4. **Supervision; setting.** The supervision by a board-approved, Minnesota licensed marriage and family therapist supervisor shall take place in individual and group settings, according to items A and B.

[For text of items A and B, see M.R.]

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~~ 150 hours must be in individual settings face-to-face;
no more than 50 hours of supervision may be conducted through synchronous electronic communication;

B. at least 100 hours of supervision per year contact between the supervisor and supervisee must be in an individual setting; and

C. no more than 100 hours of supervision may be logged toward the 200-hour requirement in item A in any 12-month period; and

D. 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, or other reporting methods.

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~~ the board-approved supervisor.

5300.0155 EXPERIENCE REQUIREMENTS FOR PERSONS COMMENCING THE SUPERVISED EXPERIENCE AFTER AUGUST 1, 2016.

Subpart 1. **Supervised experience required.** The two-year 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. **Application to written examination.** Within six months of commencement of the supervised experience, an applicant must apply to the board to take the national examination specified in part 5300.0190.

Subp. 3. **Years of experience; computation.** The postgraduate experience shall include not less than 4,000 hours, and must be completed in no less than two and no more than seven years from the filing of the application to take the national examination. This experience must include the following:

A. A minimum of 1,000 hours of direct client contact supervised by a board-approved, Minnesota-licensed marriage and family therapist supervisor. The 1,000 hours shall include at least 500 hours of face-to-face therapy with couples, families, or similar relational groups.

B. A minimum of 200 hours of supervision as described in subpart 4.

C. No more than 2,800 hours supervised by a licensed mental health professional as defined in Minnesota Statutes, section 245.462 or 245.4871. This experience shall include the assessment, diagnosis, and treatment of mental illness, and cognitive, emotional, and behavioral disorders, as well as all other professional responsibilities.

D. A detailed log on a form provided by the board shall be maintained of all professional activity during this time period. This log shall be permanently maintained by the applicant.

Subp. 4. **Supervision requirements.** The 4,000 hours of postgraduate experience must comply with the following requirements:

A. All direct clinical client contact must be supervised by a board-approved, Minnesota-licensed marriage and family therapist supervisor. The supervision must be obtained at an average rate of one hour of supervision per five hours of direct client contact, for a minimum total of 200 hours of supervision.

B. No more than 120 hours of supervision per year will be accepted toward the licensure requirement and must comply with the average rate of supervision stated in item A.

C. At least 100 hours of supervision shall be received in an individual setting. The remaining 100 hours may be received in a group setting. For purposes of this paragraph, individual supervision is defined as a setting in which the supervisor and no more than two supervisees are present. Group supervision is defined as a setting in which the supervisor and no more than six supervisees are present.

D. Up to 25 percent of the required supervision may be received via secure, synchronous electronic means.

E. Supervisees must make data from their clinical work directly available to the supervisor through written clinical materials, direct observation, audio or video recordings, or other reporting methodologies.

Subp. 5. **Verification of supervised experience.** A supervisor must verify all supervised experience by completing a form supplied by the board. The form must be signed by the supervisor. The form must include the setting, nature, and extent of the supervised experience, the time frame of the supervision, the number of hours and type of clinical client contact, the number of hours of supervision, and the name and credentials of the supervisor. The supervisor must attest that the performance, competence, and adherence to the standards of practice and ethical conduct of the supervisee are satisfactory.

5300.0160 REQUIREMENTS FOR SUPERVISOR.

Subpart 1. **Requirements.** A supervisor is acceptable to the board if the supervisor was listed by the board under this part prior to ~~January 19, 1999~~ August 1, 2016, except that those supervisors must meet the continuing education requirement specified in part 5300.0170, item D. After ~~January 19, 1999~~ August 1, 2016, new supervisors are acceptable to the board if the supervisor: meets the requirements of either subpart 2 or 3.

Subp. 2. **Board-approved supervisor requirements.** An applicant for board-approved LMFT supervisor status will be approved by the board if the applicant:

- A. is licensed as a marriage and family therapist in Minnesota;
- B. has at least ~~three~~ four years and ~~3,000~~ 4,000 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~~ completion of a board-approved MFT supervisor training course equivalent to three semester hours from a graduate program of 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~~ of coursework in a board-approved MFT supervision education course.

Subp. 3. **AAMFT-approved supervisor status.** An applicant for board-approved LMFT supervisor status will be approved by the board if the applicant is designated an approved supervisor by the American Association for Marriage and Family Therapy (AAMFT).

Subp. 4. **Application.** An application for board-approved LMFT supervisor status must be filed with the board prior to approval of supervisor status by the board.

5300.0170 RESPONSIBILITIES OF SUPERVISOR.

A supervisor must:

- A. be knowledgeable of ~~the~~ current clinical skills required for effective delivery of marriage and family therapy services;
- B. be knowledgeable of ~~the important~~ current literature in the field of marriage and family therapy ~~and, including professional ethics, and the supervisor must be knowledgeable about~~ of the basic skills and service delivery of supervision;

C. see that all supervised work is conducted in an appropriate professional settings, setting, with adequate administrative and clerical controls, so as to assure the quality and competency of supervised activities; and

D. devote at least ten percent of the required continuing education hours to supervision training and skills.

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~~ national examination specified in part 5300.0240. A licensed associate marriage and family therapists therapist must practice under the supervision of a ~~board-qualified~~ board-approved LMFT supervisor as specified in parts 5300.0160 and 5300.0170. A licensed associate marriage and family therapists therapist must observe ~~the same~~ all laws and rules that govern the practice of licensed marriage and family therapists. The 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 six additional years. An applicant must apply for and be issued a licensed associate marriage and family therapist license by the board upon receiving notice of passage of the national examination specified in part 5300.0240.

5300.0180 LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS.

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

A. successful completion of the national examination following completion of all educational requirements; and

B. successful completion of the state examination, following completion of all specified experience requirements.

5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

Subpart 1. **Information required.** To be admitted to ~~written~~ the national 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~~ the national examination on a form provided by the board. The application must include:

(1) a photograph of the applicant; and

(2) 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~~ the national examination specified in ~~part 5300.0360, item A~~ Minnesota Statutes, section 148B.17, subdivision 2, made payable to the Board of Marriage and Family Therapy.

C. The applicant must submit official transcripts of all ~~graduate~~ postbaccalaureate education ~~of the applicant~~, including verification of the ~~degree~~ degrees and certificates granted. The transcripts must be sent directly to the board from the institution granting the ~~degree~~ degrees and certificates.

(1) The applicant must demonstrate ~~to the board, by a preponderance of the evidence~~, that the ~~degreed program~~ degree or certificate programs documented by the applicant's official transcripts submitted meets the requirements of part 5300.0130, subpart 1, item A.

(2) The institution granting the degree or postdegree certificate must be regionally accredited at the time the degree is granted or postdegree work is completed.

D. An applicant for licensure must inform the board within 30 days of any changes in name, ~~residential~~ public mailing address, ~~or business and residential telephone numbers~~ address, or other contact information provided.

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~~ the national 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~~ the national examination and provide all information required within six months from the date the board receives the application or requests information from the applicant.

Subp. 4. **Admission to ~~written~~ the national examination.** Upon the board's approval of an application to take the national 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. is authorized to register for the national examination. An applicant may register for the national examination only after the board notifies the examination administration that the application has been approved by the board.

Subp. 5. **Denial of admission to written examination.** The board shall deny an applicant admission to ~~written~~ the national examination if for any reason 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~~ Any subsequent application for admission to ~~written~~ the national examination submitted after denial is deemed a new application for admission to ~~written~~ the national examination

which must be accompanied by the fee for application for admission to ~~written~~ the national examination specified in ~~part 5300.0360, item A~~ Minnesota Statutes, section 148.17, subdivision 2.

5300.0200 PROCEDURES FOR ~~ADMISSION TO~~ APPLICATION FOR STATE 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~~ national examination in part 5300.0240, subpart 3.

[For text of item B, see M.R.]

C. The applicant must submit the required, nonrefundable application for licensure fee specified in ~~part 5300.0360, item C~~ Minnesota Statutes, section 148B.17, subdivision 2, made payable to the Minnesota Board of Marriage and Family Therapy.

D. The applicant must submit a completed ~~notarized form~~ forms 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~~ professional and ethical character. The endorsements must be completed and signed by individuals who meet the requirements for ~~endorsers~~ endorser 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. 2a. **Time requirements.** An applicant's file shall be closed if the applicant fails to complete the application for licensure and provide all information required

within six months from the date the board receives the application or requests additional information from the applicant. An application for licensure submitted following closure of a prior file is considered a new application for licensure and must be accompanied by the fee for application for licensure as specified in Minnesota Statutes, section 148B.17, subdivision 2.

Subp. 3. **Denial of ~~admission to~~ application for 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 considered a new application for licensure ~~which and~~ must be accompanied by the fee for application for licensure specified ~~in part 5300.0360, item C~~ in Minnesota Statutes, section 148B.17, subdivision 2.

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

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

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~~ consists of:

A. a ~~written, objective part~~ national examination 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~~ licensure examination provided by ~~members of the~~ board.

Subp. 2. **Examination fee.** An applicant who is admitted to ~~written~~ the national examination under part 5300.0190 must pay ~~the written~~ an examination fee ~~in part~~ 5300.0360, item B, directly to the test administrator before taking the examination.

Subp. 3. **National ~~written~~ part of examination.** The ~~written~~ national examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards. The ~~written~~ national 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 for licensure shall be ~~held~~ conducted 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~~ approved 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~~ statutes and rules 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. [See repealer.]

Subp. 6. **Passing score required on examination.** The passing score of ~~the written part of the~~ national 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~~ national or state examination may be reexamined ~~on the part the applicant failed,~~ but not more than five times without a variance. Each time an applicant who is reexamined on the written part of the national examination, the applicant must pay the written an examination fee in part 5300.0360, item B to the test administrator.

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~~ jurisdiction if the board determines that the standards for licensure in effect when the individual was licensed in the other ~~state or country~~ jurisdiction are at least equivalent to or exceed the current requirements for licensure in Minnesota.

If an applicant for licensure by reciprocity has been licensed continuously as a marriage and family therapist in a United States jurisdiction for the five years preceding the application, the educational requirements for licensure are considered satisfied. If licensed for any period less than five years, the board will determine whether educational requirements are satisfied.

If an applicant for licensure by reciprocity has been licensed continuously as a marriage and family therapist in a United States jurisdiction for the five years preceding the application, and the jurisdiction has taken no adverse action against that license, the postgraduate, supervised clinical experience requirements are considered satisfied. If

licensed for any period less than five years, or if adverse action against the license has been taken, the board shall determine whether the experience requirements for licensure are satisfied.

If an applicant for licensure by reciprocity was licensed in another ~~state or country~~ jurisdiction without passing the ~~written national~~ 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~~, and must also pass the national examination according to part 5300.0240, subpart 6, before the reciprocity application may be approved. 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~~ jurisdiction 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~~ Minnesota Statutes, section 148B.17, subdivision 2. 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~~ jurisdiction required.** The applicant must direct the ~~board of examiners of the state or country~~ licensing entity in the jurisdiction 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.

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.~~

A license is valid for the period beginning with the date on which the license is originally granted and effective immediately upon the board's issuance of the initial license and payment of the initial license fee.

Subp. 2. **Initial licensure period; term of license.**

A. An initial license of marriage and family therapy 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~~
the date indicated on the license card issued by the board. Thereafter, the license is valid
renewable for a one-year period ending on December 31. The license must be renewed according to the procedures in part 5300.0280.

B. An initial license of associate marriage and family therapy granted by the board is valid for a period beginning with the effective date in subpart 1 and ending on the date indicated on the license card issued by the board. Thereafter, the license is renewable for a one-year period and may be renewed for up to six additional years.

5300.0270 DISPLAY OF LICENSE.

A licensed marriage and family therapist or licensed associate marriage and family therapist must display ~~the therapist's license and~~ evidence of current renewal license status in a conspicuous place in the therapist's office, or place of business or employment. This requirement may be satisfied by display of the initial licensure certificate issued by the board or the annual licensure card issued by the board. 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~~ Minnesota Statutes, section 148B.17, subdivision 2.

5300.0280 RENEWAL OF LICENSE.

Subpart 1. **Renewal every year.** Licenses A license issued by the board must be renewed every year upon the payment of the required renewal fee ~~required in part 5300.0360, item F,~~ completion of a ~~notarized~~ renewal application, and ~~the fulfillment and notarized reporting of~~ attestation to completion of the 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. The notice may be sent electronically.

~~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~~ complete the renewal application ~~on a form provided~~ required by the board. The licensee must ~~submit~~ complete the renewal application so that the application is postmarked or electronic renewal is completed on or before ~~December 31~~ the expiration date of the current license.

~~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,~~ by the board if the licensee's application for renewal is postmarked after ~~December 31~~ the expiration date of the license, or ~~delivered to~~ received by the board office by nonpostal means after ~~December 31~~ the expiration of the license.

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 required renewal application, ~~information about~~ required continuing education ~~requirements information,~~ and or the renewal and late renewal fees specified in ~~part 5300.0360, items F and G, on or before December 31~~ by the board within 30 days after the license expiration date, 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.

5300.0300 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements for reinstatement.** A ~~license~~ former licensee seeking reinstatement of 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~~ any jurisdiction, or used a title denoting marriage and family therapist since expiration of the license unless also licensed by another state in another jurisdiction. 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 and required renewal fees specified in part 5300.0360, item H by the board;

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~~ by the board, for each of the years between ~~the date the license~~ annual license term the license was 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. meet the current education and experience requirements for licensure;

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

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

E D. pay the renewal fee specified in ~~part 5300.0360, item F,~~ and late renewal fees specified in ~~part 5300.0360, item G,~~ by the board for each of the five years immediately preceding application for reinstatement.

[For text of subs 4 and 5, see M.R.]

5300.0310 VOLUNTARY TERMINATION OF LICENSE.

A license may be voluntarily 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. The board retains jurisdiction over a former licensee for complaints received after termination regarding conduct that occurred while licensed. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in part 5300.0300, except that payment of the late renewal fees shall not be required.

5300.0315 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~~ is not been the subject of current disciplinary action resulting in the suspension, revocation, qualification, condition, or restriction to practice marriage and family therapy; and

C. by paying the ~~annual~~ onetime emeritus fee.

[For text of subs 2 and 3, see M.R.]

Subp. 4. **Reactivating license.** In the exceptional case that a marriage and family therapist ~~issued~~ granted 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~~ by the board, and the current annual renewal fee ~~specified in part 5300.0360, item F~~.

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

5300.0320 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Purpose of 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.~~ The purpose of mandatory continuing education is to:

A. promote the health and safety of the residents of Minnesota who receive services from licensees; and

B. promote the continuing professional competence of providers of these services.

The continued development and maintenance of competence are ongoing activities and the ethical responsibility of each licensee.

Subp. 2. **~~Number of hours required~~ Continuing education requirements.** Licensees must complete a minimum of ~~30~~ 40 hours of board-approved continuing education every two years. Three hours in ethical and professional studies education

covering professional ethics, family law, professional socialization, professional organizations, legal issues, or interprofessional cooperation must be included in the required 40 hours. Board-approved supervisors must meet the continuing education requirements specified in part 5300.0170, item D. The required number of hours shall be prorated for persons who are initially licensed during a given reporting period. Proof of Licensed marriage and family therapists must attest to the board as to completion of the required hours must be submitted to the board by December 31 of upon renewal of the license in each odd-numbered year. The initial two-year period begins on January 1 of each even-numbered year.

Subp. 3. ~~Documentation of courses~~ Attestation of continuing education completion. ~~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. At time of license renewal in each odd-numbered year or at the time of application for reinstatement of a license, a licensed marriage and family therapist must attest to completion of a minimum of 40 approved continuing education hours since last renewal or the minimum number required for reinstatement. Failure to complete the attestation required will result in nonrenewal of licensure.~~

Subp. 4. ~~Courses; board approval required~~ Documentation. ~~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. All licensees shall retain original documentation of completion of continuing education hours for a period of five years. The information must include:~~

~~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.~~

A. course or activity title;

B. name of sponsor of the course or activity;

C. continuing education approval number assigned by the board;

D. date the licensee attended or completed the program or activity;

E. number of continuing education hours for the program or activity; and

F. signed certificate of attendance.

For purposes of this subpart, a receipt for payment of the fee for the program or activity is not sufficient evidence of completion of the required hours of continuing education.

A copy of a transcript demonstrating successful completion can be used to document academic coursework. Individual activities may be documented with a copy of the program where the licensee is a presenter, a notice of publication of written material, or other material requested by the board.

In the case of independent study, a summary of the topic, a comprehensive list of resources used to study the topic, the hours (including dates) spent in independent study, and the applicability of the study to the licensee's work must be included.

Subp. 5. ~~Committee evaluation~~ **Audit of continuing education.** ~~The board shall use a committee, which may include nonboard members, to evaluate applications for course approval.~~ The board may conduct random audits for the purpose of verifying continuing education each reporting year. A licensee who is being audited must provide verification of the required number of continuing education hours by submitting documentation described in subpart 4. Failure to submit required documentation shall result in license renewal being considered void and constitute grounds for nonrenewal and disciplinary action.

Subp. 6. ~~Sponsor's application for course approval~~ **Courses; board approval required.** ~~Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in items A to D to receive and maintain course approval.~~ Continuing education activities must be approved by the board. Activities may be approved for all attendees when submitted by the sponsor as prescribed in subpart 7 or a licensee may request individual approval as prescribed in subpart 8.

The board shall consider the following factors in determining whether an activity should be approved:

~~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.~~

A. the activity's relevance to the therapeutic practices of marriage and family therapy;

B. the activity's relevance to the development and maintenance of professional skills or marriage and family therapists;

C. whether the activity 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; and

(2) home study courses related to marriage and family therapy as described in item D. Programs must have an independently graded test component;

D. relation of the activity's proposed topics to the body of marriage and family therapy knowledge, emphasizing systemic approaches or theory, research, or practice of psychotherapeutic work with couples or families;

E. continuing education for marriage and family therapy that includes the following areas:

(1) historical and 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 cognitive, affective, behavioral, or nervous disorders;

(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, responsible business practices, clinical practice, research, family law, and confidentiality issues; and

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

F. whether the instructors or developers of the activity are qualified by practical or academic experience to teach, lecture, make presentations, or develop courses; and

G. whether the activity is at least one hour in length. Time for home study activities is based on developer's research on average time required for completion.

Subp. 7. ~~A licensee's Sponsor's application for course approval.~~ Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer a continuing education activity must submit to the board a completed application on a form provided by the board accompanied by the appropriate nonrefundable fee. The sponsor must comply with items A to D to receive activity 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.~~

A. The application for approval must be submitted at least 60 days before the activity is scheduled to begin.

B. The application must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subpart 6:

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

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

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

(4) a list of the qualifications of each instructor or developer that shows current knowledge and skill in the activity's subject;

(5) a description of the certificate or other form of verification of attendance distributed to each participant upon successful completion of the activity;

(6) a statement that the sponsor agrees to retain attendance lists for a period of five years from the date the activity occurs; and

(7) a copy of any proposed advertisement or other promotional literature for the activity.

C. If the board approves an activity, the sponsor shall receive a board approval number. The approval remains in effect for one year from the date of initial approval. Upon expiration, a sponsor must submit to the board a new application for activity approval as required by subpart 1.

D. Materials advertising approved activities may include a statement that the program has been approved by the Minnesota Board of Marriage and Family Therapy for a certain number of continuing education hours.

E. The sponsor must submit proposed changes in an approved activity to the board for its approval.

F. The board shall deny approval of an activity if it does not meet the criteria in subpart 6. The board shall notify the sponsor in writing of its reasons for denying approval of an activity.

G. The board shall revoke approval of an activity if a sponsor fails to comply with this subpart, or if a sponsor falsifies information requested by the board in the application for approval of an activity.

Subp. 8. ~~Sources of credit~~ **A licensee's application for course approval.**

~~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.~~

A. A licensee must apply individually for approval of continuing education activities that have not been approved by the board. The licensee must submit information required in item B, as well as other information the board deems necessary to evaluate the course for approval.

B. A licensee shall complete and submit to the board, on a form provided by the board, the following information:

- (1) the name and address of the organization sponsoring the activity;
- (2) a detailed description of the content of the activity;
- (3) the name and credentials of each instructor or presenter; and
- (4) the location, including the name and address of the facility, at which the activity will be conducted.

C. Licensees seeking approval for an activity not previously approved by the board are encouraged to seek board approval before attending the activity.

D. If the activity does not meet the standards in subpart 6, the board shall deny approval. The board shall notify the licensee in writing of its reasons for denying approval of an activity under this subpart.

Subp. 9. **Hours Sources 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.~~ Continuing education credit may be applied for the following programs that comply with the requirements of subpart 6:

- A. programs specifically listed in subpart 6, item C;
- B. teaching a marriage and family course in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for a single time the licensee teaches the course. The course must be related to marriage and

family therapy as described in subpart 6, item D. Ten continuing education hours may be earned for each semester credit hour taught. Documentation of this activity will consist of verification by the institution's department that the licensee taught the course for an assigned number of credits or hours;

C. development and conducting of original research directly related to marriage and family therapy as described in subpart 6, item D. This activity must be preapproved by the board. Hours of credit for this activity shall be determined by the board based on the nature of the project;

D. authoring, editing, or reviewing in an area of marriage and family therapy as described in subpart 6, item D. 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, 40 hours;
- (2) author of a professional book chapter or journal article, 20 hours;
- (3) editor of a professional book or journal, 40 hours; and
- (4) journal article review, three hours per manuscript;

E. developing and delivering 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 6, item D. 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 a single presentation by the licensee on the subject developed; and

F. individually designed continuing education activity. Licensees may submit proposals for continuing education activities that do not meet the guidelines in 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 addressed in the activity;
- (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 determine 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.

Subp. 10. ~~Exemption from continuing education requirements~~ Hours of credit.
~~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:~~ Continuing education shall be credited on an hour-for-hour basis except as noted in subpart 9.

~~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~~ 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.~~ 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. 12. Discontinuance of exemption from continuing education requirements.

A licensee claiming exemption under subpart 11 who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

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

[For text of subs 1 to 4, see M.R.]

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 Minnesota Statutes, section 148B.17, subdivision 2.

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 this chapter, except for a if the 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:

[For text of items A to C, see M.R.]

[For text of subp 2, see M.R.]

Subp. 3. **Alternatives must be followed.** ~~Any~~ A 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~~ that justified the granting of the variance.

[For text of subp 5, see M.R.]

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

5300.0350 CODE OF ETHICS.

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

Subp. 2. **Purpose.** The code of ethics constitutes the standards ~~against~~ by which the professional conduct of a provider of marriage and family therapist therapy 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, 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 therapist therapy 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,~~ limit practice to the professional services beyond the therapist's field or fields of 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.

[For text of item B, see M.R.]

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 ~~that~~ multiple 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,~~ 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:

[For text of subitems (1) and (2), see M.R.]

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 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 clients the client. The therapist must make referrals to those resources when it is in the best interest of clients 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.

[For text of items G to I, see M.R.]

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.

[For text of items K to Q, see M.R.]

R. A therapist must make certain that the qualifications of a person in a therapist's employ, or under the therapist's supervision, is ~~a student, independent contractor, or an intern~~ 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, trainees, interns, and supervisees.

S U. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or ~~violating those standards of professional behavior~~ 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 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 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 ~~dual~~ multiple 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.

[For text of item D, see M.R.]

E. A therapist must not engage in any sexual contact or other physical intimacies behavior with a client. Sexual ~~contact~~ behavior with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual ~~contact~~ 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 ~~contact~~ behavior occurred by means of therapeutic deception.

[For text of items F to L, see M.R.]

M. In the course of professional practice, a therapist must ~~not violate any law~~ comply with all laws concerning the reporting of abuse of children under Minnesota Statutes, section 626.556 and or neglect of minors or 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 education, training, and experience required by state law;
- (2) to examine public records maintained by the Board of Marriage and Family Therapy ~~which~~ that 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) (3) 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) (4) to be informed of the cost of professional services before receiving the services;~~

~~(6) (5) to privacy as defined and limited by rule and law;~~

~~(7) (6) to be free from being the object of unlawful discrimination ~~on the basis of race, religion, gender, or other unlawful category~~ while receiving services;~~

~~(8) (7) to have access to their records as provided in Minnesota Statutes, section 144.292 sections 144.291 to 144.298, except as otherwise provided by law or prior written agreement; and~~

~~(9) (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 (e.g., telephone or electronic methodologies), a therapist must:

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

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

(3) ensure the security of the communication medium, and ensure such practice complies with all legal requirements.

Subp. 6. **Confidentiality and keeping of records.** A ~~marriage and family therapist~~ must ~~hold in confidence~~ safeguard all private information obtained in the course of professional services. A ~~marriage and family therapist~~ must ~~safeguard client confidences~~ may disclose client information only 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 professional services except as provided in by Minnesota Statutes, sections 148B.11, subdivision 3, and 148B.39~~ law and rule. All other private information ~~must~~ 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.

E.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.

F.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.

G.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.

H.I. 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~~ as required by Minnesota Statutes, sections 148B.11 and 148B.39.

I.J. 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~~ 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.

~~K~~ L. A client who is the recipient of marriage and family therapy services has the right to access ~~the records related to the service~~ and release private information maintained by the licensee on that therapist, including client records, as provided in Minnesota Statutes, ~~section 144.292~~ 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 ~~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 and any subsequent revision;

[For text of subitems (3) to (5), see M.R.]

(6) copies of all client ~~authorization~~ authorizations for release of information and any other legal forms pertaining to the client including documentation of informed consent; and

[For text of subitem (7), see M.R.]

Subp. 7. **Research.** A ~~marriage and family~~ therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare ~~according to the requirements of the "Ethical Principles of Psychologists, General Principle 9: Research with Human Participants," American Psychological Association, as amended June 2, 1989. These requirements are incorporated by reference and are not subject to frequent change. The requirements were published in "American Psychologist"~~

~~March 1990, Volume 45, Number 3, pages 390-395. They are available through the Minitex interlibrary loan system. Participation in research is voluntary. 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.~~

5300.0355 ASSESSMENTS, TESTS, REPORTS.

Subpart 1. **Basis for assessments.** When a therapist conducts assessments within the scope of the therapist's training and experience, the therapist must meet the requirements in items A to C.

A. The therapist shall base an assessment on records, information, observations, and techniques sufficient to substantiate clinical findings.

B. Except as permitted in item C, the therapist shall render opinions regarding individuals only after the therapist has conducted an examination of the individual that is adequate to support the therapist's statements or conclusions, unless an examination is not practical despite reasonable efforts.

C. The therapist may limit assessments to reviewing records or providing testing services when an individual examination is not warranted or necessary for the opinion requested.

Subp. 2. **Administration and interpretation of tests.** Therapists shall use tests as described in items A to E.

A. Standardized tests are preferred over nonstandardized tests.

B. All tests must be administered and responses must be recorded, scored, and interpreted based on practice or scientific foundations.

C. If a test is used in a nonstandard manner, the limitations of the test and the reasons for its nonstandard use must be clearly stated in the report.

D. A test's reliability, validity, and normative data must be taken into account in its selection, use, and interpretation.

E. The reliability and validity of test statements and interpretations in reports are the responsibility of the therapist, including when automated testing services are used.

Subp. 3. **Reports.** The provision of a written or oral report, including testimony of a therapist as an expert witness and letters to third parties concerning the mental, behavioral, or emotional health or state of a client, must be based on information and techniques sufficient to substantiate the therapist's findings. The therapist shall be fair and accurate and shall guard against making unsubstantiated statements or providing unsubstantiated opinions, interpretations, or recommendations in a report. The report must include:

A. a description of all assessments, evaluations, or other procedures, including materials reviewed, upon which the therapist's conclusions are based;

B. any reservations or qualifications concerning the validity or reliability of the opinions and conclusions formulated and recommendations made, taking into account the conditions under which the procedures were carried out, including any nonstandard use of a test, the limitations of scientific procedures and descriptions, base rate and baseline considerations, and the impossibility of absolute predictions;

C. a statement concerning any discrepancy, disagreement, or inconsistent or conflicting information regarding the circumstances of the case that may have a bearing on the therapist's conclusions;

D. a statement of the nature of and reasons for any use of a test that differs from the purposes, populations, or referral questions for which it has been designed or validated, or that is administered, recorded, scored, or interpreted in other than a standard and objective manner; and

E. a statement indicating whenever any test interpretation or report conclusion is not based on direct contact between the therapist and the client.

Subp. 4. **Private information.** A test result or interpretation regarding an individual is private information.

REPEALER. Minnesota Rules, parts 5300.0210; and 5300.0240, subpart 5, are repealed.