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To: MN Board of MFT

From: Jennifer Mohlenhoff, Executive Director

Date: March 24, 2023

RE: Administrative Rule 5300 – Summary of Proposed Revisions

5300.0100 DEFINITIONS. Change to “advertising” (inclusion of electronic media); removal of “fee splitting” (not used elsewhere in rule); definition added for “relational therapy” (used in Rule 5300.0155) and “Secondary Supervisor” (used in Rule 5300.0160 & 5300.0170); revision to “Supervisee,” “Supervisor” and “Therapist” definitions.

5300.0110 LICENSE REQUIREMENT. Addition of Temporary Practice language; other minor revisions. Temporary Practice authorized practice by a non-MN-licensed LMFT in Minnesota for up to 90 consecutive days annually; required registration with Board, notice and agreement to comply with MN laws governing practice of MFT.

5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT. No changes

5300.0125 REQUIREMENTS FOR LICENSURE AS A LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST (previously 5300.0135). Reflects change to licensure process so that LAMFT licensure is granted to applicant upon filing of the initial application and passage of the LMFT state examination (which will now be administered at the *beginning* of the application process); passage of national examination in MFT no longer required for LAMFT license issuance. Adds additional language re: denial of licensure. Other minor revisions. Conferring with Revisor whether citizenship/lawful work status requirement must be included.

5300.0130 REQUIREMENTS FOR LICENSURE AS A LICENSED MARRIAGE AND FAMILY THERAPIST. Reflects change to licensure process so that attestation by LMFT supervisor(s) replaces past endorsement process; confirms passage of LMFT state examination (taken first) and national examination in MFT (taken anytime during postgraduate period) required prior to LMFT license issuance. Adds additional language re: denial of licensure. Other minor revision. Conferring with Revisor whether citizenship/lawful work status requirement must be included.

5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE. Incorporates policy adopted by Board during COVID that applicant with practicum that does not meet rule requirements may proceed with additional hours needed added to postgraduate experience requirements.

5300.0145 DEGREES FROM FOREIGN INSTITUTIONS. No changes.

5300.0150 EXPERIENCE REQUIREMENTS FOR PERSONS ELIGIBLE TO COMMENCE POSTGRADUATE SUPERVISED EXPERIENCE PRIOR TO AUGUST 1, 2016. Repealed. Individuals with degrees awarded prior to 8/1/2016 now addressed in Rule 5300.0155.

5300.0155 EXPERIENCE REQUIREMENTS FOR APPLICANT FOR MARRIAGE AND FAMILY THERAPIST LICENSURE. Subpart 2 retains the requirement to file initial application for licensure within six (6) months of beginning postgraduate supervised practice. Addresses individuals with degrees earned prior to August 1, 2016 and individuals logging postgraduate hours in another jurisdiction. Subpart 3 includes reference to “relational therapy” (now defined in part 5300.0100) and incorporates definition of marriage and family therapy. Better defines requires non-clinical contact hours. Subpart 4 alters supervision requirements for licensure applicants. States a minimum rate of LMFT supervision of two (2)

hours every four (4) weeks whenever MFT services are provided. Adds secondary supervisor option; secondary supervisor may provide up to 50 hours of the required 200 supervision hours. Requires average rate of supervision to be at least one hour for every 20 clinical contact hours. Eliminates limitation on electronic supervision. Adds paragraph addressing what is *not* supervision.

5300.0160 REQUIREMENTS FOR SUPERVISOR. Language added to differentiate between LMFT supervisor and secondary supervisor. Removes reference to 4,000 hours of clinical practice. Defines acceptable secondary supervisor as one who has been licensed as a MN mental health professional for at least four (4) years, not subject to disciplinary or corrective action, authorized by the person's licensing board to provide licensure supervision and agrees to fulfill the responsibilities of part 5300.0170. Provision re: supervisor status revocation added.

5300.0170 RESPONSIBILITIES OF SUPERVISOR. Better defines supervision responsibilities of the LMFT supervisor of licensure applicants. Codifies requirement for supervisor to maintain a supervision record for each supervisee to include supervisor responsibility form, copy of supervision agreement or contract (if one exists), dated record of supervision sessions and notation on any issue which may prevent supervisee providing MFT services which meet a reasonable standard of care, and record of any concurrent LMFT or secondary supervisors.

5300.0175 LICENSURE PROCESS FOR LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS. Repealed; necessary provisions incorporated into part 5300.0200.

5300.0180 LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS. Repealed; necessary provisions incorporated into part 5300.0200.

5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION. Repealed; necessary provisions incorporated into 5300.0200.

5300.0200 PROCEDURES FOR APPLICATION FOR LAMFT AND LMFT LICENSURE. Reflects change to licensure process that LAMFT license is issued upon filing of the initial application for MFT licensure (currently Application for National Examination) and providing transcripts, completion of CBC and passage of the LMFT state examination. LMFT licensure is issued upon filing of the final application for MFT licensure and documentation of completion of postgraduate supervision and passage of LMFT state examination and national examination in MFT. Reflects elimination of endorsement requirement to be replaced by LMFT supervision attestation. Replaces notarization requirement with attestation. Other minor changes.

5300.0230 REQUIREMENTS FOR ENDORSEMENT. Repealed; replaced by LMFT supervisor attestation in part 5300.0130 and 5300.0200.

5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES. Reflects change to licensure process so that LMFT state examination is administered first to initial applicants and national examination may be taken as many times as necessary to pass during postgraduate supervised experience period.

5300.0250 RECIPROCITY. Removes "countries" as recognized for reciprocity. (Degrees and licenses from other countries subject to part 5300.0145.) Reduces period from five years to two years of LMFT licensure for finding reciprocity applicant meets MN standards for LMFT licensure. Removes requirement to take national examination in MFT by reciprocity candidate who has never taken national exam if licensed for at least two years. If licensed less than two years, must document passage of national examination or California LMFT Clinical Examination (new provision accepting CA LMFT clinical exam in lieu of national examination in MFT). Replaces notarization requirement with attestation. Other minor changes.

5300.0260 TERM OF LICENSE. No changes.

5300.0270 DISPLAY OF LICENSE. Repeals display requirement and replaces with current license must be provided upon request.

5300.0280 RENEWAL OF LICENSE. Minor changes to reflect notification by email and online renewal processes.

5300.0290 FAILURE TO RENEW. Minor changes to reflect notification by email.

5300.0300 REINSTATEMENT OF LICENSE. Creates separate provisions for LMFT and LAMFT license reinstatement. Reduces renewal fees required to be paid for license reinstatements after more than one year of expiration. Replaces notarization requirement with attestation. Eliminates requirement to retake national examination in MFT for license expirations greater than five (5) years.

5300.0310 VOLUNTARY TERMINATION OF LICENSE. No changes.

5300.0315 EMERITUS LICENSE STATUS. Minor changes reflecting current emeritus application process.

5300.0320 CONTINUING EDUCATION REQUIREMENTS. Incorporates statutory cultural competency CE requirement. Confirms all CE may be completed in any format (live, online, on demand). Replaces references to "odd-numbered year" with "every two years" (to allow for alternate-year CE reporting in the future if desired). Incorporates CE extension language (subpart 3A). Reduces requirement to retain CE documentation from five (5) to two (2) years following close of 2-year reporting cycle. Eliminates Board-approval requirement for all continuing education. (LMFT Application for CE Course Approval will also be eliminated.) Allows a licensee, in addition to any other individual/entity, to file an Application for CE Program Approval (currently the Program Sponsor Application for CE Course Approval), with payment of \$60 application fee, to obtain Board review/approval of a CE program. Further defines and expands upon eligible CE activities to aid LMFTs in selecting appropriate education.

5300.0330. REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE. Required listing of crimes that are a barrier to LMFT licensure. Conferring with MN AGO and other boards on this requirement (as list is lengthy and crimes included vs. crimes not included perhaps outdated). Subparts 3 and 4 repealed as outdated and/or never required.

5300.0340. VARIANCE. No changes.

5300.0350 CODE OF ETHICS. Minor changes throughout. Subpart 6.L. records requirement provisions deleted and incorporated into new provision 5300.0351.

5300.0351. RECORD KEEPING REQUIREMENTS. New provision incorporating language previously found in part 5300.0350, subpart 6.L. addressing client record requirements for therapists and including a general record retention requirement.

5300.0355 ASSESSMENTS, TESTS, REPORTS. Minor changes.