

5300.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of 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 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.

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

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

Subp. 5. **Certified professions or occupations.** "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certification process must include:

- A. eligibility requirements established through education or experience or both;
- B. successful completion of a competency-based written examination;
- C. successful demonstration of competent clinical skills; and
- D. assurance of practitioner competencies through mandatory recertification and continuing education requirements.

Subp. 6. [Repealed, 41 SR 87]

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 compensating others for referrals.

Subp. 7a. **LAMFT.** "LAMFT" are the initials designating a licensed associate marriage and family therapist 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 designating a licensed marriage and family therapist 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 accredited by 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.

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

- A. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the body by any part of the therapist's body or by any object used by the therapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the therapist's body by any part of another person's body or by any object used by another person for this purpose, if agreed to by the therapist;
- B. kissing of, or the intentional touching by the therapist of another person's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;

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

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

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

Subp. 14. **Sexual harassment.** "Sexual harassment" has the meaning given in Minnesota Statutes, section 363A.03, 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 experience needed to obtain credentialing by the board, or to comply with a board order.

Subp. 16. **Supervision.** "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.

Subp. 17. **Supervisor.** "Supervisor" means an individual who has met the requirements in part 5300.0160, 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:

- 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.

Subp. 18. **Therapeutic deception.** "Therapeutic deception" means a representation by a therapist that sexual contact or unethical conduct with the therapist is consistent with or part of the professional work with a client, student, or supervisee or former client, student, or supervisee.

Subp. 19. **Therapist.** "Therapist" means a licensee 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 this chapter.

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

History: *15 SR 1782; 23 SR 1540; 41 SR 87*

Published Electronically: *August 4, 2016*