

**CHAPTER 5300**  
**BOARD OF MARRIAGE AND FAMILY THERAPY**  
**MARRIAGE AND FAMILY THERAPY**

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**5300.0100 DEFINITIONS.**

Subpart 1. **Scope.** For the purpose of 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 [Repealed, 41 SR 87]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*

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

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

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

**Published Electronically:** *August 4, 2016*

### 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.

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 this chapter 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 their qualifications to perform marriage and family therapy services.

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

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

**Published Electronically:** *August 4, 2016*

### 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, clause (5), and defined in part 5300.0140;
- B. have obtained the age of majority, the age of majority being 18 years according to Minnesota Statutes, section 645.451, subdivision 5;
- C. complete the experience requirements in Minnesota Statutes, section 148B.33, subdivision 1, clause (4), and defined in part 5300.0150;
- D. provide evidence of meeting the requirements of Minnesota Statutes, section 148B.33, subdivision 1, clause (2), through endorsements from at least two individuals with the qualifications in part 5300.0230;
- E. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in part 5300.0350; and
- F. pass the 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.

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

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

**Published Electronically:** *August 4, 2016*

### **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), 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.

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

**History:** *41 SR 87*

**Published Electronically:** *August 4, 2016*

### **5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE.**

Subpart 1. **Evaluation by board.** In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in Minnesota Statutes, section 148B.33, subdivision 1, clause

(5)(i), the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by regional accrediting bodies, and other necessary information as determined by the board. All requested documentation must be sent directly from the educational institution to the board.

Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree, or postdegree graduate certificate or coursework, is equivalent to a master's or doctoral degree in marriage and family therapy if the degree or graduate 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 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, 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; and

F. a clinical practicum in marriage and family therapy of at least 300 hours of clinical client contact including assessment, diagnosis, and treatment of individuals, couples, and families. Of the 300 hours, at least 150 hours must be with 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.

**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*

### **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 provide 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.

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

**History:** *41 SR 87*

**Published Electronically:** *August 4, 2016*

### **5300.0150 EXPERIENCE REQUIREMENTS FOR PERSONS ELIGIBLE TO COMMENCE 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 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 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 document at least 500 hours of clinical client contact in working with couples, families, or other relational groups.

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.

A. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.

B. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees are present.

Subp. 5. **Supervision requirements.** Supervision must involve:

A. at least 200 hours of contact between the supervisor and supervisee of which at least 150 hours must be face-to-face; no more than 50 hours of supervision may be received via secure synchronous electronic means;

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

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, 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. 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 the board-approved supervisor.

**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*

### **5300.0155 EXPERIENCE REQUIREMENTS FOR PERSONS ELIGIBLE TO COMMENCE POSTGRADUATE SUPERVISED EXPERIENCE ON OR 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 clinical 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 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 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 clinical client contact, for a minimum total of 200 hours of supervision.

B. No more than 100 hours of supervision may be logged in any 12-month period to 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 methods.

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.

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

**History:** *41 SR 87*

**Published Electronically:** *August 4, 2016*

### **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 August 1, 2016, except that those supervisors must meet the continuing education requirement specified in part 5300.0170, item D. After 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 four years and 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 completion of a board-approved MFT supervisor training course equivalent to three semester hours from a graduate

program of a regionally accredited institution, 30 hours of an AAMFT-approved supervisor training course, or 30 hours 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.

**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*

### **5300.0170 RESPONSIBILITIES OF SUPERVISOR.**

A supervisor must:

A. be knowledgeable of current clinical skills required for effective delivery of marriage and family therapy services;

B. be knowledgeable of current literature in the field of marriage and family therapy, including professional ethics, and be knowledgeable of the basic skills and service delivery of supervision;

C. see that all supervised work is conducted in an appropriate professional 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.

**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*

### **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 national examination specified in part 5300.0240. A licensed associate marriage and family therapist must practice under the supervision of a board-approved LMFT supervisor as specified in parts 5300.0160 and 5300.0170. A licensed associate marriage and family therapist must observe 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 six additional years. An applicant must apply for a licensed associate marriage and family therapist license upon receiving notice of passage of the national examination specified in part 5300.0240.

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

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

**Published Electronically:** *August 4, 2016*

**5300.0180 LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS.**

The process of licensure by the board as a licensed marriage and family therapist consists of two separate parts:

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.

**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*

**5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.**

Subpart 1. **Information required.** To be admitted to 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 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 the national examination specified in 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 postbaccalaureate education, including verification of the degrees and certificates granted. The transcripts must be sent directly to the board from the institution granting the degrees and certificates.

(1) The applicant must demonstrate that the degree, program, or coursework documented by the official transcripts submitted meets the requirements of part 5300.0130, subpart 1, item A.

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

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

Subp. 2. **Verification of information; board's powers.** The board has authority to verify the authenticity of the information in the application for admission to 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 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 the national examination.** Upon the board's approval of an application to take the national examination, an applicant 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 the national examination if for any reason the applicant has not met the 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. Any subsequent application for admission to the national examination submitted after denial is deemed a new application for admission to the national examination which must be accompanied by the fee for application for admission to the national examination specified in Minnesota Statutes, section 148B.17, subdivision 2.

**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*

#### **5300.0200 PROCEDURES FOR APPLICATION FOR STATE LMFT LICENSURE.**

Subpart 1. **Information required.** To be eligible for 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 national examination in part 5300.0240, subpart 3.

B. The applicant must submit a completed, notarized application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in part 5300.0350.

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

D. The applicant must submit completed forms provided by the board, verifying the applicant's postgraduate, supervised experience, conforming to the requirements of part 5300.0150, subpart 6, or 5300.0155, subpart 5.

E. The applicant must submit two endorsements attesting to the applicant's professional and ethical character. The endorsements must be completed and signed by individuals who meet the requirements for endorser under part 5300.0230, subparts 1 and 2. The endorsements must be on forms provided by the board.

Subp. 2. **Verification of information; board's powers.** The board has authority 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 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 and must be accompanied by the fee for application for licensure specified in Minnesota Statutes, section 148B.17, subdivision 2.

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

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

**Published Electronically:** *August 4, 2016*

**5300.0210** [Repealed, 41 SR 87]

**Published Electronically:** *August 4, 2016*

### **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 in another jurisdiction whose licensure standards are equivalent to or exceed the requirements for licensure in Minnesota.

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

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

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

**Published Electronically:** *August 4, 2016*

### **5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES.**

Subpart 1. **National and state examination required.** Examination of an applicant for a license as a marriage and family therapist consists of:

- A. a 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 licensure examination provided by the board.

Subp. 2. **Examination fee.** An applicant who is admitted to the national examination under part 5300.0190 must pay an examination fee directly to the test administrator before taking the examination.

Subp. 3. **National part of examination.** The national examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards. The 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 conducted according to methods determined by the board. The state examination of an applicant shall take place after the applicant's application for licensure has been approved by the board. The state examination of an applicant shall cover:

- A. the applicant's knowledge of the 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. [Repealed, 41 SR 87]

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

**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*

### 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 jurisdiction if the board determines that the standards for licensure in effect when the individual was licensed in the other 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 jurisdiction without passing the 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, 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 jurisdiction must file a completed application for licensure by reciprocity and must pay the fee for application for licensure by reciprocity specified in 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 jurisdiction required.** The applicant must direct the 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 jurisdiction;
- B. failure to report to the board that charges regarding the applicant's license have been brought in another jurisdiction; or
- C. having been refused a license by another 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 jurisdiction are at least equivalent to or exceed the current licensing requirements in Minnesota.

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

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

**Published Electronically:** *August 4, 2016*

### **5300.0260 TERM OF LICENSE.**

Subpart 1. **Effective date.** 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 the date indicated on the license card issued by the board. Thereafter, the license is renewable for a one-year period. 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.

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

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

**Published Electronically:** *August 4, 2016*

#### **5300.0270 DISPLAY OF LICENSE.**

A licensed marriage and family therapist or licensed associate marriage and family therapist must display evidence of current 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 Minnesota Statutes, section 148B.17, subdivision 2.

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

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

**Published Electronically:** *August 4, 2016*

#### **5300.0280 RENEWAL OF LICENSE.**

Subpart 1. **Renewal every year.** A license issued by the board must be renewed every year upon the payment of the required renewal fee, completion of a renewal application, and attestation to completion of the continuing education requirements in part 5300.0320.

Subp. 2. **Notice of renewal.** The board shall send the licensee a 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.

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 complete the renewal application required by the board. The licensee must complete the renewal application so that the application is postmarked or electronic renewal is completed on or before the expiration date of the current license.

Subp. 4. **Fee.** The renewal fee must accompany the renewal application for the renewal application to be complete.

Subp. 5. **Affirmation.** The renewal application must include a 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 by the board if the licensee's application for renewal is postmarked after the expiration date of the license, or received by the board by nonpostal means after the expiration of the license, but is postmarked or received within 30 days of the license expiration date.



**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*

### **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.

Subp. 2. **Expiration of license.** If the licensee fails to submit to the board the required renewal application, required continuing education information, or the renewal and late renewal fees specified by the board within 30 days after the license expiration date, the license expires and the licensee's right to practice terminates.

A. The board shall mail to the former licensee a written notice that the 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.

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

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

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

**Published Electronically:** *August 4, 2016*

### **5300.0300 REINSTATEMENT OF LICENSE.**

Subpart 1. **Requirements for reinstatement.** A 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 any jurisdiction, or used a title denoting marriage and family therapist since expiration of the license unless also licensed 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 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 by the board, for each annual license term the license was expired.

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;

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

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

D. pay the renewal fee specified by the board for each of the five years immediately preceding application for reinstatement.

Subp. 4. **Practice without a license.** A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapist since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement. Nothing in this subpart precludes the board from seeking injunctive relief under Minnesota Statutes, section 214.11 for the unauthorized practice of marriage and family therapy or from referring the matter to criminal law enforcement officials under Minnesota Statutes, section 148B.32, subdivision 3.

Subp. 5. **Effect of reinstatement.** Upon reinstatement, the licensee shall be assigned the same license number which the licensee was assigned before expiration of the license.

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

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

**Published Electronically:** *August 4, 2016*

### 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.

**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*

**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 is not 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 onetime emeritus fee.

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

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

Subp. 4. **Reactivating license.** In the exceptional case that a marriage and family therapist 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 by the board, and the current annual renewal fee.

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

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

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

**Published Electronically:** *August 4, 2016*

**5300.0320 CONTINUING EDUCATION REQUIREMENTS.**

Subpart 1. **Purpose of continuing education.** 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. Continuing education is only required of licensed marriage and family therapists. Licensed associate marriage and family therapists are not required to complete continuing education for license renewal.

Subp. 2. **Continuing education requirements.** Licensees must complete a minimum of 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. Licensed marriage and family therapists must attest to the board as to completion of the required hours upon renewal of the license in each odd-numbered year.

Subp. 3. **Attestation of continuing education completion.** 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. **Documentation.** All licensees shall retain original documentation of completion of continuing education hours for a period of five years. The information must include:

- 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. **Audit of continuing education.** 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 be grounds for disciplinary action.

Subp. 6. **Courses; board approval required.** 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 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. 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. The application for approval must be submitted at least 60 days before the activity is scheduled to begin if the sponsor wishes to receive notification of board approval prior to the commencement of the program.

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 this subpart.

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. A licensee's application for course approval.**

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

Subp. 11. **Exemption from continuing education requirements.** A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

- A. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis;
- B. is permanently disabled and unable to practice marriage and family therapy, accompanied by a signed 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.

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

**History:** *15 SR 1782; 16 SR 865; 23 SR 1540; 41 SR 87*

**Published Electronically:** *August 4, 2016*

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

Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall suspend, revoke, condition, limit, qualify, or restrict the license of an individual according to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.

Subp. 2. **Conviction of crime.** According to Minnesota Statutes, section 148B.37, subdivision 1, clause (2), the crimes that the board shall determine to be of a nature to render the convicted individual unfit to practice marriage and family therapy consist of the crimes described in Minnesota Statutes, sections 144.227, 151.37, 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 609.185, 609.19, 609.195, 609.20, 609.205, 609.2112, 609.2113, 609.2114, 609.215, 609.221, 609.222, 609.223, 609.2231, 609.224, 609.231, 609.235, 609.24, 609.245, 609.25, 609.255, 609.26, 609.265, 609.342, 609.343, 609.344, 609.345, 609.3451, 609.352, 609.365, 609.48, 609.485, 609.498, 609.50, 609.507, 609.52, 609.561, 609.562, 609.563, 609.582, 609.595, 609.625, 609.66, 609.713, and 609.79, and Minnesota Statutes 2012, section 609.21.

Subp. 3. **Probation.** The board may place a licensee on probation under the following circumstances:

A. in lieu of, or in addition to, any order of the board suspending, revoking, or otherwise acting against the license of any licensee; or

B. as a condition of restoring any license suspended, revoked, or otherwise acted against by the board.

Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose license has been suspended or revoked must return the license and evidence of current license renewal to the board office by registered or certified mail postmarked within three days after the effective date of the board's order of suspension or revocation. Failure to return the license and evidence of current license renewal is grounds for the board's denial of any subsequent restoration of a license according to Minnesota Statutes, section 148B.37, subdivision 2.

Subp. 5. **Restoring a license.** The board shall restore a license according to Minnesota Statutes, section 148B.37, subdivision 2. A licensee whose license has been revoked or suspended and subsequently restored by the board must comply with the requirements for reinstatement in part 5300.0300 and must pay the reinstatement fee in Minnesota Statutes, section 148B.17, subdivision 2.



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

**History:** *15 SR 1782; L 2014 c 180 s 9; 41 SR 87*

**Published Electronically:** *August 4, 2016*

#### **5300.0340 VARIANCE.**

Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board in writing for a variance from this chapter, except if the rule incorporates a statutory requirement. A variance shall be granted if the board determines that the licensee or applicant has specified alternative practices or measures equivalent to or superior to the rule in question and if the licensee or applicant provides evidence that:

- A. the rationale for the rule in question can be met or exceeded by the specified alternative practices or measures;
- B. adherence to the rule would impose an undue burden on the licensee or applicant; and
- C. the granting of the variance will not adversely affect the public welfare.

Subp. 2. **Petition; requirements.** A petition for a variance must contain the following information:

- A. the specific rule for which the variance is requested;
- B. the reason for the request;
- C. the alternative practices or measures that will be taken if a variance is granted; and
- D. the length of time for which a variance is requested.

Subp. 3. **Alternatives must be followed.** 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. **Notice of change; revocation.** 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 that justified the granting of the variance.

Subp. 5. **Burden of proof.** The burden of proof is upon the licensee or applicant to demonstrate to the board, by a preponderance of the evidence, that the requirements in subparts 1 and 2 have been met.

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

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

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

**Published Electronically:** *August 4, 2016*

#### **5300.0350 CODE OF ETHICS.**

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

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

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

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

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

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

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

C. A therapist must recognize the potentially influential position the therapist may have with respect to students, interns, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid multiple relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Sexual contact between the therapist and students, employees, interns or supervisees is prohibited for two years after the date that the relationship is terminated, whether or not the party is informed that the relationship is terminated. Sexual contact after two years with a former student, intern, employee, or supervisee is prohibited:

(1) if the former student, intern, employee, or supervisee was emotionally dependent upon the therapist; or

(2) if the sexual contact occurred by means of therapeutic deception.

D. A therapist must not engage in sexual contact or other harassment, therapeutic deception, or exploitation of students, supervisees, interns, employees, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

E. A therapist must not use or exploit the professional relationship with a student, supervisee, intern, employee, research subject, or actual or potential witness or complainant in ethical proceedings in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

F. A therapist must recognize the limitations to the scope of practice of marriage and family therapy. When the needs of a client appear to be outside this scope, a therapist must inform the client that there are other professional, technical, community, and administrative resources available to the client. The therapist must make referrals to those resources when it is in the best interest of the client to be provided with alternative or complementary services. The therapist must make a reasonably prompt referral when requested to do so by the client, without consideration of limitation of third-party payors.

- G. A therapist must not offer, nor accept, payment for referrals.
- H. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved. If a client refuses to allow consultation, the therapist should delay the administration of service until the client gives consent to consultation. The exception to the consultation requirement would be if the client reports ethical violations by the other professional.
- I. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.
- J. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment. During any period where the therapist is unable to practice with reasonable skill and safety, the therapist shall either promptly terminate the professional relationship with all clients or shall make arrangements for other health providers to provide services that are needed by a client during the period of impairment.
- K. A therapist must not practice under the influence of alcohol or any controlled substance not prescribed by a physician.
- L. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.
- M. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates this part according to Minnesota Statutes, section 148B.07, subdivision 4.
- N. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.
- O. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.
- P. A therapist shall use only academic degrees from regionally accredited institutions that are related to the practice of marriage and family therapy in any situation or circumstance related to the practice of marriage and family therapy. Those therapists holding current Minnesota mental health professional licenses issued by other Minnesota licensing boards may also use degrees and titles directly related to these licenses as permitted by the other boards when the other licensure is cited with the marriage and family licensure.
- Q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.
- R. A therapist must make certain that the qualifications of a person in a therapist's employ, or under the therapist's supervision, are represented in a manner that is not false, misleading, or deceptive.
- S. A therapist must pursue knowledge of new developments and maintain competence in marriage and family therapy through education, training, or supervised experience.
- T. A therapist shall maintain current knowledge on the use and impacts of technology in providing, documenting, training, and supervising marriage and family therapy, in order to safeguard the welfare of clients, students, interns, and supervisees.
- U. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this part or any conduct that fails to conform to minimum standards of acceptable and

prevailing practice that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.

Subp. 5. **Relations to clients.** A therapist's primary professional responsibility is to the client. A therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A therapist must respect the rights of those persons seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately. A therapist is bound by these ethics primarily.

A. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of race, age, ethnicity, socioeconomic status, disability, gender, health status, religion, national origin, sexual orientation, gender identity, or relationship status. A therapist or client may terminate professional services unless prohibited by law or court order. When unable to offer services for any reason, a therapist shall make an appropriate referral.

B. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid multiple relationships with clients that could impair the therapist's professional judgment or increase the risk of exploitation.

C. A therapist must truthfully represent to clients facts regarding services rendered.

D. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.

E. A therapist must not engage in any sexual behavior with a client. Sexual behavior with a former client is prohibited for two years after termination of services whether informed or not that the relationship is terminated. Sexual behavior after two years with a former client is prohibited:

- (1) if the former client was emotionally dependent upon the therapist; or
- (2) if the sexual behavior occurred by means of therapeutic deception.

F. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client. For purposes of this item, sexual harassment has the meaning given it in Minnesota Statutes, section 363A.03, subdivision 43.

G. A therapist must not use or exploit the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.

H. A therapist must not use any confidence of a client to the client's disadvantage.

I. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.

J. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.

K. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.

L. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.

M. In the course of professional practice, a therapist must comply with all laws concerning the reporting of abuse or neglect of minors or vulnerable adults.

N. A therapist must display prominently on the premises of the professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the state of Minnesota have the right:

- (1) to expect that a therapist has met the minimal qualifications of education, training, and experience required by state law;
- (2) to examine public records maintained by the Board of Marriage and Family Therapy that contain the credentials of a therapist;
- (3) to report complaints to the Board of Marriage and Family Therapy;
- (4) to be informed of the cost of professional services before receiving the services;
- (5) to privacy as defined and limited by rule and law;
- (6) to be free from being the object of unlawful discrimination while receiving services;
- (7) to have access to their records as provided in Minnesota Statutes, sections 144.291 to 144.298, except as otherwise provided by law or prior written agreement; and
- (8) to be free from exploitation for the benefit or advantage of a therapist.

O. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.

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

- (1) ensure compliance with all relevant laws for the delivery of the services;
- (2) determine that technologically assisted therapy is appropriate for the client, taking into account the client's physical, emotional, and intellectual needs;
- (3) inform the client of the potential risks and benefits associated with technologically assisted therapy including, but not limited to, issues of confidentiality, clinical limitations, transmission difficulties, and ability to respond to emergencies;
- (4) ensure the security of the communication medium; and
- (5) only commence technologically assisted therapy after appropriate education, training, or supervised experience using the relevant technology.

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

A. A therapist must not disclose any private information acquired in rendering professional services except as provided by Minnesota law and rule. All other private information may be disclosed only with the informed consent of the client, except disclosure of private information may occur without the

consent of the client when disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another individual, including the therapist, or as otherwise provided by law, rule, or court order. In such case, the private information is to be disclosed only to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties in a position to prevent or avert the harm.

B. A therapist must be responsible for informing clients of the limits of confidentiality.

C. For purposes of safeguarding confidentiality, when seeing a couple or a family, a therapist must define who the "client" is as soon as it is possible to determine the client. For example, the therapist must define whether the couple or family, as a unit, is the client or whether the individuals who make up the couple or family are the clients. The therapist must disclose the limitations, if any, to each client's right to privacy.

D. When seeing a couple or a family, a therapist must inform the client, at the beginning of the relationship, what the therapist's procedures are for handling confidences from individual members of the family and for protecting individuals' privacy while safeguarding the integrity of the therapy process.

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

F. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.

G. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.

H. A therapist must continue to maintain as private information the records of a client after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.

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

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

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

L. A client who is the recipient of marriage and family therapy services has the right to access and release private information maintained by the therapist, including client records, as provided in Minnesota Statutes, sections 144.291 to 144.298, provided the records are not classified as confidential under Minnesota Statutes, section 13.84, or except as otherwise provided by law or court order. A therapist must maintain an accurate record for each client. Each record must minimally contain:

- (1) a client personal data record which shall include the presenting problem;
- (2) a treatment plan with a diagnosis and treatment goals and any subsequent revision;
- (3) an accurate chronological listing of all client contacts and a summary of each;
- (4) records of any consultation or supervision received in relation to the client;
- (5) a termination statement indicating the date and reason for termination, the client's condition at the time, and any recommendations made to the client;
- (6) copies of all client authorizations for release of information and any other forms pertaining to the client including documentation of informed consent; and
- (7) a chronological listing of all fees or charges for services related to the client and to whom the fees were charged. This record may be kept separate from the client's clinical file.

Subp. 7. **Research.** A therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare. A therapist must inform participants of the aspects of the research that might reasonably be expected to influence willingness to participate. A therapist must inform a research participant of the ability to decline participation in or to withdraw from a research study at any time.

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

**History:** *15 SR 1782; 23 SR 1540; L 2005 c 56 s 2; L 2007 c 147 art 10 s 15; 41 SR 87*

**Published Electronically:** *August 4, 2016*

### **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.

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

**History:** *41 SR 87*

**Published Electronically:** *August 4, 2016*

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

**Published Electronically:** *June 11, 2008*