

State of Utah
Administrative Rule Analysis
Revised May 2020

DAR File NO. 53071

Date filed 9-15-2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ; Amendment XXXX; Repeal ; Repeal and Reenact

	Title No. - Rule No. - Section No.	
Utah Admin. Code Ref (R no.):	R156-60b	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Occupational and Professional Licensing	
Room no.:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state, zip:	Salt Lake City UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Jennifer Falkenrath	801-530-7632	jzaelit@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

Marriage and Family Therapist Licensing Act Rule

3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

In accordance with 2019 HB 366 and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act, the Division recommends these changes to better delineate the relationship between mental health supervisors and supervisees to ensure fairness, accountability, and attaining of supervision objectives, and to streamline and update the continuing education provisions to provide consistency among all of the mental health professions. There is a sister rule filing for each profession regulated under the Mental Health Professional Licensing Act.

4. Summary of the new rule or change:

The amendments to Sections R156-60b-102, R156-60b-302b, and R156-60b-302d, and the deletion of Section R156-60b-302e update the rule per 2019 HB 366, and establish criteria for supervision of an associate marriage and family therapist obtaining hours toward licensure as a marriage and family therapist. The supervisor and the supervisee will enter into a supervision contract prior to beginning the supervision, with a sister rule filing in R156-60 defining the contract and supervision procedures for all the mental health professions governed by the Mental Health Practice Act. The amendments to Section R156-60b-304 delete the continuing education provisions for marriage and family therapist licensees from the Marriage and Family Therapist Licensing Act Rule. Its substantive provisions have been incorporated into the Mental Health Professional Practice Act Rule via a sister rule filing, to assist in streamlining and clarifying the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. The amendments to Sections R156-60b-302a, R156-60b-302c, R156-60b-306, and R156-60b-502 update references and make non-substantive formatting changes for clarity.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

None of these proposed changes are expected to impact state government revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing state practices or procedures.

B) Local governments:

None of these proposed changes are expected to impact local government revenues or expenditures because they only clarify interpretation of existing requirements and will not change existing local government practices or procedures.

C) Small businesses ("small business" means a business employing 1-49 persons):

There are approximately 1,340 small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy and/or substance use disorder counseling who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These proposed amendments may impact these small businesses. These amendments together with the sister rule filings making corresponding amendments to R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact small business revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices as well as update the rule to conform to statutory changes enacted by 2019 HB 366.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are approximately 72 non-small businesses in Utah comprising establishments of licenses engaged in the practice of mental health therapy who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These proposed amendments may impact these non-small businesses. These amendments together with the sister rule filings making corresponding amendments to R156-60-102 and R156-60-302 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. All amendments as a whole should allow for greater efficiency in supervision and allow the supervisee to obtain proper documentation of supervision hours. However, these changes are not expected to impact non-small business revenues or expenditures because they merely establish and clarify definitions, standards, and procedures to encompass current requirements and best practices as well as update the rule to conform to statutory changes enacted by 2019 HB 366.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

The amendments establishing and clarifying supervision standards will impact the approximately 212 marriage and family therapist licensees who require supervision in order to attain full licensure. However, the impact is expected to be fiscally neutral because the financial arrangements for supervision for the supervisors and supervisees will not be changed by the proposed amendments. The amendments will only codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting, and require that the supervision is documented in a written contract to ensure the supervision is done in a manner that will fulfill the statutory requirements. The amendments are expected to simply allow for greater efficiency in supervision and allow the supervisees to more easily obtain proper documentation of supervision hours.

F) Compliance costs for affected persons:

There are not expected to be any compliance costs for any affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The head of the Department of Commerce, Chris Parker, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division of Occupational and Professional Licensing proposes amendments to update the Marriage and Family Therapist Licensing Act Rule in accordance with 2019 HB 366 and recommendations made by the licensing boards over the professions included in the Mental Health Professionals Practice Act. The revisions establish criteria for supervision for a substance use disorder counselor and an advanced substance use disorder counselor obtaining hours toward licensure. There are also substantive provisions that have been incorporated into the Mental Health Professional Practice Act Rule through other rule filings connected with 2019 HB 366 to harmonize the continuing education requirements for all of the professions regulated under the Mental Health Professional Licensing Act. Amendments are also made to update references and make non-substantive formatting changes for clarity.

Small Businesses (less than 50 employees):

In Utah, there are approximately 1,340 small businesses comprised of licensees practicing mental health therapy and substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190, 621420, 622310). These amendments together with similar rule filings connected with 2019 HB 366 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. Thus, all amendments as a whole should allow for greater efficiency in supervision and documentation of hours. Accordingly, no fiscal impact is expected for small business over and above any fiscal impact described in the Legislative fiscal note for 2019 HB 366 as these costs are either inestimable or there is no fiscal impact.

Regulatory Impact to Non-Small Businesses (50 or more employees)

In Utah, there are approximately 72 non-small businesses comprised of establishments engaged in the practice of mental health therapy and substance use disorder counseling who may employ those engaged in the practice of substance use disorder counseling, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 624190). These amendments together with the other rule filings connected with 2019 HB 366 will codify best practices for the profession by providing direction in the process of supervision that is required for new professionals who are learning proper techniques in a clinical setting. These changes will allow greater efficiency in supervision. Thus, these changes are not expected to impact non-small business revenues or expenditures because they establish and clarify definitions, standards, and procedures to incorporate current requirements and update the rule to conform to statutory changes. Any fiscal impact beyond those described in the Legislative fiscal note for 2019 HB 366 are either inestimable or there is no fiscal impact.

B) Name and title of department head commenting on the fiscal impacts:

Chris Parker, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-60-301

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):

First Incorporation	
Official Title of Materials Incorporated (from title page)	Updates Revised AAMFT Code of Ethics
Publisher	American Association for Marriage and Family Therapy (AAMFT)
Date Issued	January 1, 2015
Issue, or version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Second Incorporation	
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 11/02/2020

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
10/05/2020	9:00 AM	Rule hearing will be held before the Division electronically only. Meeting ID meet.google.com/cwk-sgez-hny Phone Numbers (US)+1 302-846-7685 PIN: 165 425 131#

10. This rule change MAY become effective on (mm/dd/yyyy): 11/09/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date (mm/dd/yyyy):	09/15/2020
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R156. Commerce, Occupational and Professional Licensing.
R156-60b. Marriage and Family Therapist Licensing Act Rule.
R156-60b-102. Definitions.

In addition to the definitions regarding marriage and family therapy in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, ~~[or this rule]~~ the following rule definitions supplement the statutory definitions:

- (1) "AAMFT" means the American Association for Marriage and Family Therapy.
- (2) "Deficiency," ~~[7]~~ as used in Subsection 58-60-117(1)(d), means no more than a combined total of six semester or eight quarter hours in:
 - (a) theoretical foundations of marital and family therapy;
 - (b) assessment and treatment in marriage and family therapy, including Diagnostic Statistical Manual (DSM);
 - (c) human development and family studies ~~[which]~~ that include ethnic minority issues, and gender issues including sexuality, sexual functioning, and sexual identity;
 - (d) research methodology and data analysis; and
 - (e) electives in marriage and family therapy.
- (3) "Directly related to marriage and family therapy", as used in R156-60b-304 ~~[+2)(a)]~~ and R156-60-105(1)(c), means that the continuing education course meets at least one of the following criteria:
 - (a) approved by an international, national, or state marriage and family therapy association, national or state marriage and family therapy regulatory board, or a COAMFTE accredited program; or
 - (b) title, objective, or official description of the course indicates instruction on relationships, couples, or families.
- (4) "Face to face supervision" as used in this rule ~~[described in Subsection R156-60b-302a(1)(b)(ii)(C)]~~ includes both individual and group supervision.
- (5) "Group supervision" means, in accordance with Section 58-60-307, supervision between the supervisor and no more than ~~[three supervisees, unless preapproved by the Board]~~ six individuals who are lawfully engaged in training for the practice of mental health therapy, unless the supervisor is granted an exception in writing from the Division in collaboration with the Board.
- (6) "Individual supervision" means supervision between the supervisor and one or two supervisees.
- (7) "Practicum," ~~[7]~~ as used in R156-60b-302a ~~[+1)(b)(ii)(C)]~~ (2)(g) means a clinical program of training at an accredited school under general supervision in a setting other than a student's private practice.
- (8) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 60, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-60b-502.

R156-60b-302a. Qualifications for Licensure - Education Requirements.

- (1) Pursuant to Subsection 58-60-305(1)(d), an applicant applying for licensure as a marriage and family therapist shall produce certified transcripts evidencing completion of:
 - (a) ~~[produce certified transcripts evidencing completion of]~~ a clinical master's or doctorate degree in marriage and family therapy, from a program accredited by the Commission on Accreditation for Marriage and

Family Therapy Education at the time the applicant obtained the education;
or

(b) ~~[(i) produce certified transcripts evidencing completion of]~~ a clinical master's degree in marriage and family therapy or equivalent, from a program accredited by a professional accrediting body approved by the Council for Higher Education Accreditation of the American Council on Education at the time the applicant obtained the education.

(~~[(i)]~~2) A program under Subsection (1)(b) ~~[(i)]~~ shall include the following:

([A]a) six semester hours ~~[/]~~ or nine quarter hours of course work in theoretical foundations of marital and family therapy;

([B]b) nine semester hours ~~[/]~~ or 12 quarter hours of course work in assessment and treatment in marriage and family therapy, including Diagnostic Statistical Manual (DSM);

([C]c) six semester hours ~~[/]~~ or nine quarter hours of course work in human development and family studies ~~[which]~~ that include ethnic minority issues, and gender issues including sexuality, sexual functioning, and sexual identity;

([D]d) three semester hours ~~[/]~~ or four quarter hours in professional ethics;

([E]e) three semester hours ~~[/]~~ or four quarter hours in research methodology and data analysis;

([F]f) three semester hours ~~[/]~~ or four quarter hours in electives in marriage and family therapy; and

([G]g) a clinical practicum under supervision meeting the criteria of Sections R156-60b-302d and R156-60-302, which includes at least ~~[of not fewer than]~~ 600 hours as follows: ~~[which includes not fewer than]~~

(i) at least 100 hours of face to face supervision; and

(ii) at least ~~[not fewer than]~~ 500 direct contact hours of face to face supervised clinical practice, ~~[of which not less than]~~ that at least 250 hours shall be with couples or families who are physically present in the therapy room.

R156-60b-302b. Qualifications for Licensure - ~~[Experience]~~ Supervised Training Requirements.

(1) Pursuant to Subsections 58-60-305(1)(e) and 58-60-305(1)(f) and Section R156-60-302, an applicant shall have completed ~~[complete marriage and family therapy and mental health therapy training consisting of]~~ a minimum of 4,000 hours of supervised marriage and family therapy training ~~[which shall]~~ as follows:

(a) ~~[be completed]~~ in not less than two years;

(b) ~~[be completed]~~ while the applicant is ~~[an employee]~~ a W-2 employee of a public or private agency engaged in mental health therapy;

(c) ~~[be completed]~~ under the supervision of a ~~[marriage and family therapist]~~ supervisor meeting the requirements ~~[under]~~ of Section 58-60-307 and Section R156-60-302 and R156-60b-302d;

(d) ~~[include at least 100 hours of direct supervision spread uniformly throughout the training period;~~

~~—(e)—~~ in accordance with Subsections 58-60-305(1)(e) and 58-60-305(1)(f), include a minimum of 1,000 hours of supervised training in mental health therapy, with: ~~[of which]~~

(i) at least 100 hours under direct supervision spread uniformly

throughout the training period; and

(ii) ~~at least 500 hours [are]~~ in couple or family therapy with two or more clients participating and at least one physically present; and

~~[(f)]e~~ count training hours completed in a group therapy session [may count] only if the supervisee functions as the primary therapist.

(2) An applicant for licensure as a marriage and family therapist, who is not seeking licensure by endorsement based upon licensure in another jurisdiction, and who has completed all or part of the marriage and family therapy training requirements outside the state, may receive credit for that training completed outside of the state if [it is demonstrated by] the applicant demonstrates, by evidence satisfactory to the Division and Board, that the training [completed outside the state] is equivalent to and [in all respects] meets the requirements for training under this Section and Subsections 58-60-305(1)(e) and 58-60-305(1)(f) [7 and Subsection R156-60b-302b(1)]. The applicant shall have the burden of demonstrating by evidence satisfactory to the Division and Board that the training completed outside the state is equivalent to and in all respects meets the requirements under this subsection].

R156-60b-302c. Qualifications for Licensure - Examination Requirements.

Pursuant to ~~[the provisions of]~~ Subsection 58-60-305(1)(~~[g]~~f), an applicant for licensure as a marriage and family therapist ~~[must]~~ shall pass the Examination of Marital and Family Therapy written for the Association of Marital and Family Therapy Regulatory Boards.

R156-60b-302d. Qualifications to be a Marriage and Family Therapist Training Supervisor.

Pursuant to ~~[the provisions of]~~ Subsection 58-60-307(1), to be qualified as a marriage and family therapist training supervisor [for training required] under Subsections 58-60-305(1)(e) and (f) and Section R156-60-302, an individual shall:

(1) ~~[be]~~ have been licensed in good standing as a marriage and family therapist, clinical mental health counselor, psychiatrist, psychologist, registered psychiatric mental health nurse practitioner, or clinical social worker [in good standing] for at least two consecutive years prior to beginning supervised training [not less than two years];

(2) be currently licensed [as a marriage and family therapist] in good standing in the state [in which] that the training is being performed; [-and]

(3) ~~[meet one of the following three options:~~

~~—] (a) be currently approved by AAMFT as a marriage and family therapist supervisor;~~

~~(b) have successfully completed a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited marriage and family therapy (MFT) program at an accredited university; or~~

~~(c) [(i)] have successfully completed 20 clock hours of instruction sponsored by AAMFT or the Utah Association for Marriage and Family Therapy (UAMFT) as follows: [-~~

~~(i) The instruction under Subsection (3)(c)(i) shall include the following:]~~

~~[(A)] i) four hours of review of models of MFT and supervision;~~

- ([B]ii) eight hours of MFT supervision processes and practice;
 - ([C]iii) four hours of research on effective outcomes and processes of supervision; and
 - ([D]iv) four hours of AAMFT Code of Ethics, state rules, and case studies related to MFT supervision[-];
- (4) (a) enter into a written supervision contract with the supervisee in accordance with Subsection R156-60-302;
- (b) provide at least one hour of face to face supervision for each ten hours of client contact by the supervisee;
- (c) comply with each of the duties and responsibilities uniformly established in Section R156-60-302; and
- (5) in each two-year renewal cycle, complete four hours of the required 40 hours of continuing professional education in topics directly related to marriage and family therapy supervisor training.

~~[R156-60b-302e. Duties and Responsibilities of a Supervisor of Marriage and Family Therapist and Mental Health Therapy Training.~~

~~The duties and responsibilities of a marriage and family therapist supervisor are further defined, clarified or established to provide the supervisor shall:~~

- ~~(1) be professionally responsible for the acts and practices of the supervisee which are a part of the required supervised training;~~
- ~~(2) be engaged in a relationship with the supervisee in which the supervisor is independent from control by the supervisee and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;~~
- ~~(3) be available for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances including the supervisee's level of training, diagnosis of patients, and other factors known to the supervisee and supervisor;~~
- ~~(4) provide periodic review of the client records assigned to the supervisee;~~
- ~~(5) comply with the confidentiality requirements of Section 58-60-114;~~
- ~~(6) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of marriage and family therapy and report violations to the Division;~~
- ~~(7) supervise only a supervisee who is an employee of a public or private mental health agency;~~
- ~~(8) submit appropriate documentation to the Division with respect to all work completed by the supervisee evidencing the performance of the supervisee during the period of supervised marriage and family therapist training and mental health therapist training, including the supervisor's evaluation of the supervisee's competence in the practice of marriage and family therapy and mental health therapy;~~
- ~~(9) complete four hours of the required 40 hours of continuing professional education directly related to marriage and family therapy supervisor training in each two-year continuing professional education period established;~~
- ~~(10) supervise not more than three supervisees at any given time unless approved by the Board and Division;~~

~~_____ (11) provide at least one hour of face to face supervision for each ten hours of client contact by the supervisee.]~~

R156-60b-304. Continuing Education.

In accordance with Section 58-60-105, the continuing professional education requirements for a marriage and family therapist licensed under Title 58, Chapter 60, Part 3 are established in Section R156-60-105.

~~[_____ (1) In accordance with Section 58-60-105, there is hereby established a continuing education requirement for all individuals licensed under Title 58, Chapter 60, Part 3, as a marriage and family therapist.~~

~~_____ (2) During each two year period commencing October 1st of each even numbered year, a marriage and family therapist shall be required to complete not fewer than 40 hours of continuing education directly related to the licensee's professional practice of which:~~

~~_____ (a) at least 15 hours must be directly related to marriage and family therapy; and~~

~~_____ (b) at least six hours must be in ethics/law, of which at least three hours must be directly related to marriage and family therapy.~~

~~_____ (3) The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.~~

~~_____ (4) Continuing education under this section shall:~~

~~_____ (a) be relevant to the licensee's professional practice;~~

~~_____ (b) be prepared and presented by individuals who are qualified by education, training, and experience to provide continuing education relevant to the practice of a mental health therapist; and~~

~~_____ (c) have a method of verification of attendance and completion.~~

~~_____ (5) Credit for continuing education shall be recognized in accordance with the following:~~

~~_____ (a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences which meet the criteria listed in Subsection (4) above, and which are approved by, conducted by, or under the sponsorship of universities, colleges or professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of mental health therapy;~~

~~_____ (b) a maximum of 14 hours per two year period may be recognized for:~~

~~_____ (i) teaching courses under Subsection (5) (a); or~~

~~_____ (ii) supervision of an individual completing the experience requirement for licensure as a mental health therapist;~~

~~_____ (c) a maximum of 15 hours per two year period may be recognized for clinical readings, internet or distance learning courses directly related to practice as a mental health therapist; and~~

~~_____ (d) a maximum of two hours per two year period may be for continuing education from the Division of Occupational and Professional Licensing.~~

~~_____ (6) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of four years.~~

~~_____ (7) A licensee requesting a waiver of the continuing education requirement must comply with requirements as established by rule in R156-~~

~~(8) If a licensee completes more than the required number of hours of continuing education during a two year renewal cycle specified in Subsection (2), up to ten hours of the excess over the required number may be carried over to the next two year renewal cycle. No education received prior to a license being granted may be carried forward to apply towards the continuing education required after the license is granted.]~~

R156-60b-306. License Reinstatement [—]Requirements.

In accordance with Subsection 58-1-308(5) and subject to Section R156-1-308g(4), an[An] applicant for reinstatement of a[his] license [after]more than two years [following expiration of that license]after the date the license expired shall[be required to meet the following reinstatement requirements]:

(1) upon request, meet with the Board [~~for the purpose of evaluating]to evaluate the applicant's [current-]ability to [engage]safely and competently [in-]practice as a marriage and family therapist, and [to make a determination of]determine any additional education, experience, or examination requirements [which will be required-]before reinstatement;~~

(2) upon the recommendation of the Board, establish a plan of supervision under an approved supervisor that[~~which~~] may include up to 4,000 hours of marriage and family therapy and mental health therapy training as a marriage and family therapist-temporary;

(3) pass the Examination of Marital and Family Therapy of the American Association for Marriage and Family Therapists if [~~it is determined by-]the Board determines it [that current taking and passing of the examination is] necessary to demonstrate the applicant's ability to [engage-]safely and competently [in-]practice as a marriage and family therapist; and~~

(4) complete a minimum of 40 hours of professional education in subjects determined by the [b]Board as necessary to ensure the applicant's ability to [engage-]safely and competently [in-]practice as a marriage and family therapist.

R156-60b-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) acting as a supervisor or accepting supervision duties of a supervisor without complying with or ensuring [~~the-]compliance with the requirements of Sections R156-60-302 and R156-60b-302d[and R156-60b-302e];~~

(2) engaging in the supervised practice of mental health therapy [~~when]if not in compliance with [Subsections]Sections R156-60-302 or R156-60b-302b;~~

(3) engaging in [~~and]or aiding or abetting conduct or practices [which]that are dishonest, deceptive or fraudulent;~~

(4) engaging in or aiding or abetting deceptive or fraudulent billing practices;

(5) failing to maintain professional boundaries with a client within two years after the formal termination of therapy or last professional contact, with or without client consent, including engaging in any of the following:

(a) dual or multiple relationships; or
(b) romantic, intimate or sexual relationship;
(6) if engaging in any activity or relationship referenced in Subsection (5) with a client after two years following the formal termination of therapy or last professional contact, failing to demonstrate that there has been no exploitation or injury to the client or to the client's immediate family;

(7) engaging in sexual activities or sexual contact with a client's relative[s] or other individual[s] with whom the client maintains a relationship, [when]if that individual is especially vulnerable or susceptible to being disadvantaged because of the personal history, current mental status, or any condition [which]that could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance [which]that exists or may exist between the marriage and family therapist and that individual;

(8) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;

(9) engaging in or aiding or abetting sexual harassment or any conduct [which]that is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;

(10) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health or any other determination concerning an individual's civil or legal rights;

(11) exploiting a client for personal gain;

(12) use of a professional client relationship to exploit a person that is known to have a personal relationship with a client for personal gain;

(13) failing to maintain appropriate client records for a period of not less than ten years from the documented termination of services to the client;

(14) failing to obtain informed consent from the client or legal guardian before taping, recording or permitting third party observations of client care or records;

(15) failure to cooperate with the Division during an investigation; and

(16) ~~[failure to abide by provisions 1 to 8.8]~~violating a provision of the Revised AAMFT Code of Ethics ~~[of the American Association for Marriage and Family Therapy (AAMFT) as adopted by the AAMFT effective July 1, 2012,]~~effective January 1, 2015, which is adopted and incorporated by reference.

KEY: licensing, therapists, marriage and family therapist

Date of Enactment or Last Substantive Amendment: ~~[January 7, 2016]~~ 2020

Notice of Continuation: June 13, 2019

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-60-301