

State of Utah
Administrative Rule Analysis
Revised June 2021

OAR File No. 54140
Date Filed 11-18-2021

NOTICE OF PROPOSED RULE

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

Utah Admin. Code Ref (R no.):	Title No. - Rule No. - Section No. R156-60b	Filing ID (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 and zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Jennifer Falkenrath	801-530-6628	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 (Why is the agency submitting this filing?):

Governor Cox issued Executive Order 2021-1 which required a review of all regulated Occupations and Professions. Based upon the Board's review, the Board proposes these amendments to the rule to reduce regulation that created barriers to working in the field, to clarify provisions regarding supervision and to align provisions with national education standards for licensure. Additionally, in compliance with Executive Order 2021-12 issued by Governor Cox on May 6, 2021, this filing further amends the rule by making non-substantive formatting changes throughout to facilitate compliance and enforcement and to make changes consistent with OAR's current Rule Writing Manual.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

R156-60b-102 clarifies coursework identified in the rule as a deficiency and removes unnecessary language regarding supervision.

R156-60b-302a amends the practicum supervision to align with national education requirements.

R156-60b-302b amends the rule for clarity regarding supervision for a student in a doctorate program and further clarifies supervision.

R156-60b-302d clarifies continuing education for a marriage and family therapy supervisor.

R156-60b-502 amends unprofessional conduct to align with the American Association for Marriage and Family Therapy Code of Ethics.

Additional non-substantive formatting changes are made throughout the rule to facilitate compliance and enforcement and to make changes consistent with OAR's current Rule Writing Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The changes to Sections R156-60b-102, R156-60b-302a and R156-60b-302b that reduce regulation and align provisions with national educational standards may result in a cost savings to agencies that are more able to employ licensees, but calculating the savings specific to such state agencies is not possible because it will vary widely depending on the characteristics of each employer and employee. The amendments to Section R156-60b-502 defining violations with more particularity to align with the American Association for Marriage and Family Therapy Code of Ethics are expected to have zero net impact on state revenues or expenditures because these changes should not result in any additional complaints, investigations, or disciplinary actions or any additional licensing issues. None of the remaining proposed changes are expected to impact state government revenues or expenditures because the changes merely update the rules to establish supervision and education standards that encompass current requirements and practices in the profession, and make formatting changes for clarity.

B) Local governments:

These proposed amendments may impact businesses in the mental health industry who employ associate marriage and family therapists, associate marriage and family therapist externs, and marriage and family therapists, which may potentially include certain local government entities acting as businesses. However, as described for Small Businesses, the Division estimates that these proposed amendments will have no impact on local government.

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

There are approximately 743 small businesses in Utah with licensees engaged in the practice of mental health therapy and 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, 622310). These proposed amendments may impact these small businesses. Specifically, the amendments to R156-60b-302a which amend the practicum supervision to a national standard for professionals who are learning proper techniques in a clinical setting. However, although these amendments may result in a cost savings to such businesses who are able to more easily hire licensees, the savings is not measureable as it will depend on specific characteristics of each employer and employee. The remaining amendments are not expected to impact small business as they are based on extensive collaboration with the Marriage and Family Therapist Licensing Board to incorporate generally accepted professional standards common in the industry, and the changes merely update rules, clarify existing statutes, rules, and codify existing standards already adhered to in the industry.

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

There are 50 approximately non-small businesses in Utah comprising of licensees 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, 622310). These proposed amendments may impact these non-small businesses. Specifically, the amendments to R156-60b-302a which amend the practicum supervision to a national standard for professionals who are learning proper techniques in a clinical setting. However, although these amendments may result in a cost savings to such businesses who are able to more easily hire licensees, the savings is not measureable as it will depend on specific characteristics of each employer and employee. Additionally, the estimated fiscal benefit to students described in Box 5.E from a resulting reduction in tuition is not expected to cause a corresponding indirect fiscal cost to non-small business schools (NAICS 611310) as it should be offset by the cost savings to the schools from reduced supervision and monitoring. The remaining amendments are not expected to impact small business as they are based on extensive collaboration with the Marriage and Family Therapist Licensing Board to incorporate generally accepted professional standards common in the industry, and the changes merely update rules, clarify existing statutes, rules, and codify existing standards already adhered to in the industry.

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 to R156-60b-102, R156-60b-302a, and R156-60b-302b that clarify supervision and education standards, including amending practicum supervision requirements to align with national education requirements, are expected to result in an average \$1,200 reduction in tuition costs for a marriage and family therapy student who will be receiving supervised training through an educational practicum at a facility that engages in mental health. The Division estimates that approximately 100 marriage and family therapy students will benefit from this reduction in tuition costs per year, for a total direct fiscal benefit for these individuals per year ongoing of \$120,000.00 per year.

The amendments for Section R156-60b-302d will affect marriage and family therapist supervisors, who require continuing education to renew their license; however, these amendments are expected to have no fiscal impact for these persons because the amendments merely clarify existing standards and requirements.

The amendment to Section R156-60b-502 defining a violation of unprofessional conduct is not expected to impact these other persons as it should not result in any additional investigations or disciplinary actions; the definition encompasses existing practices. Further, the goal of defining unprofessional conduct is to provide a deterrent, such that there is \$0 net impact on all parties involved and minimal occasions for noncompliance, so for the typical person the amendments would have no direct or indirect fiscal impact.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

As described above for other persons, there are no expected compliance costs for affected persons as the amendments will result in either a savings to affected persons or will have no measurable impact on affected persons.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The Division of Occupational and Professional Licensing ("Division") proposes amendments to the Marriage and Family Therapist Licensing Act Rule. The Division has updated this rule to conform to Executive Order 2021-1, and after the Board's review, the Board proposes these amendments to the rule to reduce regulations and align provisions with national education standards for licensure. Further, in compliance with Executive Order 2021-12 issued by Governor Cox on May 6, 2021, this filing makes non-substantive formatting changes to comport to the OAR's current Rule Writing Manual.

Small Businesses (less than 50 employees):

There are approximately 743 small businesses in Utah with licensees engaged in the practice of mental health therapy and 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, 622310). These amendments may result in a cost savings to such businesses who are able to more easily hire licensees. The proposed rule is not expected to impact small business revenues or expenditures. The Division estimates that approximately 100 marriage and family therapy students will benefit from this reduction in tuition costs per year, for a total direct fiscal benefit for these individuals per year ongoing of \$120,000.00 per year. Further, no fiscal impact is expected for small business as the costs are either inestimable or there is no fiscal impact.

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

There are 50 approximately non-small businesses in Utah comprising of licensees 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, 622310). The Division estimates that approximately 100 marriage and family therapy students will benefit from this reduction in tuition costs per year, for a total direct fiscal benefit for these individuals per year ongoing of \$120,000.00 per year. However, there will be no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small business. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Margaret W. Busse, Executive Director

6. A) 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	FY2022	FY2023	FY2024
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	\$120,000	\$120,000	\$120,000
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$120,000	\$120,000	\$120,000

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

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)
Publisher
Date Issued
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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 01/14/2022

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

On (mm/dd/yyyy):
12/20/2021

At (hh:mm AM/PM):
10:30 AM

At (place):
Rule hearing will be held before the Division electronically only via Google Meet information below.

Join with Google
Meet
meet.google.com/qn
o-uxfb-wih

Join by phone
(US) +1 475-328-
0593 (PIN:
732962552)

10. This rule change MAY become effective on (mm/dd/yyyy): 01/21/2022

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

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): 11/18/2021

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, Chapter[s] 1, Division of Occupational and Professional Licensing Act, and Chapter 60, Mental Health Professional Practice Act [~~as used in Title 58, Chapters 1 and 60~~], the following rule definitions supplement the statutory definitions:

(1) "AAMFT" means the American Association for Marriage and Family Therapy.

(2) "Deficiency," as used in Subsection 58-60-117(1)(d), means the educational degree upon which licensure to be based fails to include no more than a combined total of six semester or eight quarter hours in coursework listed in one or more of Subsections R156-60b-302a(20)(a) through (g) [+

~~(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 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) "Direct supervision" is the same as defined under Subsection R156-60-102(4).

([3]4) "Directly related to marriage and family therapy", as used in Section R156-60b-304 and Subsection R156-60-105(1)(c), means that the continuing education course [~~meets at least one of the following criteria~~]:

(a) is approved by an international, national, or state marriage and family therapy association, national or state marriage and family therapy regulatory board, or a Commission on Accreditation for Marriage and Family Therapy Education [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 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 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]5) "Practicum," as used in Subsection R156-60b-302a(2)(g) means a clinical program of training at an accredited school [~~under general supervision~~] in a setting other than a student's supervised private practice.

([8]6) "Unprofessional conduct" as defined in Title 58, Chapter[s] 1, Division of Occupational and Professional Licensing Act, and Chapter 60, Mental Health Professional Practice Act, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-60b-502.

R156-60b-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act.

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

(1) ~~[Pursuant to]~~ Under Subsection 58-60-305(1)(~~[d]~~c), an applicant applying for licensure as a marriage and family therapist shall produce certified transcripts evidencing completion of:

(a) 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) a clinical master's degree in marriage and family therapy or equivalent, from an [program] institution 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.

(2) ~~[A program]~~ Certified transcripts evidencing completion of a degree under Subsection (1)(b) shall include the following:

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

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

(d) three semester hours or four quarter hours in professional ethics;

(e) three semester hours or four quarter hours in research methodology and data analysis;

(f) three semester hours or four quarter hours in electives in marriage and family therapy; and

(g) a clinical practicum under supervision ~~[meeting the criteria of Sections R156-60b-302d and R156-60-302, which]~~ that includes at least ~~[600]~~ 400 hours as follows:

(i) ~~[at least]~~ 100 hours of ~~[face to face]~~ direct supervision; and

(ii) ~~[at least 500]~~ 300 hours of mental health therapy under direct ~~[contact hours of face to face]~~ supervised clinical practice, [that] with at least ~~[250]~~ 150 hours in couple or family therapy with two or more clients participating. ~~[shall be with couples or families who are physically present in the therapy room.]~~

R156-60b-302b. Qualifications for Licensure - Supervised Training Requirements.

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

(a) in not less than two years;
(b) while the applicant is engaged in mental health therapy as:
(i) a W-2 employee of a public or private agency ~~engaged in mental health therapy~~; or
(ii) a doctorate program student who is not paid as a 1099 independent contractor;

(c) under ~~the~~ supervision ~~of a supervisor meeting the requirements of~~ that complies with Sections 58-60-307, ~~and Section~~ R156-60-302, and R156-60b-302d;

(d) ~~in accordance with~~ under Subsections 58-60-305(1)(~~e~~)d and 58-60-305(1)(~~f~~)e, include a minimum of 1,000 hours of supervised training in mental health therapy, with at least 500 hours in couple or family therapy with two or more clients participating; ~~+~~

(e) count training hours completed in a group therapy session only if the applicant functioned as the primary therapist or co-therapist; and

(~~±~~f) ~~at least~~ 100 hours ~~under~~ of direct supervision, spread uniformly and continually throughout supervised training ~~the training period~~; and

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

~~(e) count training hours completed in a group therapy session 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~~ any of the marriage and family therapy training requirements outside the state, may receive credit for that training completed outside of the state if the applicant demonstrates, by evidence satisfactory to the Division and Board, that the training is equivalent to and meets the requirements for training under this ~~S~~ section and Subsections 58-60-305(1)(~~e~~)d and 58-60-305(1)(~~f~~)e.

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

~~Pursuant to~~ Under Subsection 58-60-305(1)(f), an applicant for licensure as a marriage and family therapist shall pass the ~~Examination of~~ Marital and Family Therapy National Examination administered by the American ~~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~~ Under Subsection 58-60-307(1), to be qualified as a marriage and family therapist training supervisor under Subsections 58-60-305(1)(~~e~~)d and (~~f~~)e and Section R156-60-302, an individual shall:

(1) 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 for at least two consecutive years prior to beginning supervised training;

(2) be currently licensed in good standing in the state that the training is being performed;

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

(i) four hours of review of models of [~~(MFT)~~] marriage and family therapy and supervision;

(ii) eight hours of [~~(MFT)~~] marriage and family therapy supervision processes and practice;

(iii) four hours of research on effective outcomes and processes of supervision; and

(iv) four hours of AAMFT Code of Ethics, state rules, and case studies related to [~~(MFT)~~] marriage and family therapy supervision;

(4) (a) enter into a written supervision contract with the supervisee [~~in accordance with Subsection~~] under Section R156-60-302; and

(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) for a supervisor meeting criteria in Subsection (3) (b) or (3) (c), 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-303. Renewal Cycle - Procedures.

(1) [~~In accordance with~~] Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 60, Mental Health Professional Practice Act, is established [~~by rule~~] in [~~Section~~] Subsection R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Sections R156-1-308[e]b through R156-1-308l and R156-60b-306.

R156-60b-304. Continuing Education.

[~~In accordance with~~] Under Section 58-60-105, the continuing professional education requirements for a marriage and family therapist licensed under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act, are [~~established~~] in Section R156-60-105.

R156-60b-306. License Reinstatement [~~Requirements~~] - Between Two Years and Five Years After Expiration.

[~~In accordance with~~] Under Subsection 58-1-308(5)(ii)(B) and subject to [~~Section~~] Subsection R156-1-308g([4]3)(b), an applicant for reinstatement of a license that was active and in good standing at expiration, between two years and five years [~~more than two years~~] after the date of expiration [~~the license expired~~] shall:

(1) upon request, meet with the Board to evaluate the applicant's ability to safely and competently practice as a marriage and family

therapist, and determine any additional education, experience, or examination requirements before reinstatement;

(2) ~~[upon the recommendation of]~~ if recommended by the Board, establish a plan of supervision under an approved supervisor that 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) if recommended by the Board, pass the ~~[Examination of]~~ Marital and Family Therapy National Examination administered by ~~[of]~~ the American Association for Marriage and Family Therapy Regulatory Boards ~~[Therapists if the Board determines it necessary to demonstrate the applicant's ability to safely and competently practice as a marriage and family therapist]~~; and

(4) as required by the Board, complete a minimum of 40 hours of professional education in subjects determined by the Board ~~[-as necessary to ensure the applicant's ability to safely and competently 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 compliance with ~~[the requirements of]~~ Sections R156-60-302 and R156-60b-302d;

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

(3) engaging in or aiding or abetting conduct or practices 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 by entering into a dual or multiple relationship without ensuring that there has been no exploitation or injury to the client or to the client's immediate family; ~~[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] with or without client consent, failing to maintain professional boundaries with a client after the formal termination of therapy or last professional contact, including engaging in a romantic, intimate, or sexual relationship;~~

(7) engaging in sexual activities or sexual contact with a client's relative or other individual with whom the client maintains a relationship, if that individual is especially vulnerable or susceptible to being disadvantaged because of the personal history, current mental status, or any condition that could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance 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 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] or
- (16) violating a provision of the Revised AAMFT Code of Ethics 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: ~~[November 10, 2020]~~ 2022

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