

State of Utah  
Administrative Rule Analysis  
Revised June 2022

OAR File No. 55081  
Date Filed: 11-15-2022

**NOTICE OF PROPOSED RULE**

TYPE OF RULE: New \_\_\_; Amendment x; Repeal \_\_\_; Repeal and Reenact \_\_\_

Title No. - Rule No. - Section No.

Rule or Section Number:

R156-60b

Filing ID: Office Use Only

**Agency Information**

1. Department:	Department of Commerce	
Agency:	Division of Professional Licensing	
Room number:		
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 persons:		
Name:	Phone:	Email:
Jana Johansen	801-530-6628	janajohansen@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?):  
This filing updates the rule to conform to statutory amendments made by HB 283 and SB 43 during the 2022 General Legislative Session and makes certain formatting changes for clarity.

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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):  
Section R156-60b-302b is updated to reflect the HB 283 experience hour reduction from 4,000 hours to 3,000 hours, Additionally, non-substantive formatting changes are made throughout the rule to streamline and update the rule in accordance with the current edition of the OAR's Rulewriting Manual, and to update the Division's name in accordance with statutory changes made by SB 43.

**Fiscal Information**

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

A) State budget:  
The Division estimates that these proposed amendments will have no measurable impact on state budget revenues or expenditure because the amendments only conform the rule to the statutory changes made by HB 283 and SB 43 and will not impact existing state government practices or procedures.

B) Local governments:  
The Division estimates that these proposed amendments will have no measurable impact on local government revenues or expenditure as none of the amendments are expected to impact local government practices or procedures.

C) Small businesses ("small business" means a business employing 1-49 persons):  
The Division does not expect small businesses to be impacted by the proposed amendments because the amendments only conform the rule to the statutory changes made by HB 283 and SB 43 and streamline and update the rule for clarity.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):  
The Division does not expect non-small businesses to be impacted by the proposed amendments because the amendments only conform the rule to the statutory changes made by HB 283 and SB 43 and streamline and update the rule for clarity.

**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 Division does not expect other persons to be impacted by the proposed amendments because the amendments only conform the rule to the statutory changes made by HB 283 and SB 43 and streamline and update the rule for clarity.

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

As described in paragraph 5.E for other persons, the proposed amendments are not expected to result in compliance costs for 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**

<b>Fiscal Cost</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2023</b>	<b>FY2024</b>	<b>FY2025</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

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

The Division of Professional Licensing ("Division") propose amendments to R156-60b, the Marriage and Family Therapist Licensing Act Rule. This filing updates the rule to conform to statutory amendments made by HB 283 and SB 43 during the 2022 General Legislative Session. Most notably, Section R156-60b-302b is updated to reflect the HB 283 experience hour reduction from 4,000 hours to 3,000 hours. Also, the Division has made formatting changes throughout the rule to conform the rule to the Office of Administrative Rules' Formatting Manual in accordance with Executive Orders 2021-1 and 2021-12.

**Small Businesses (less than 50 employees):**

The Division finds that will not be a fiscal impact for small businesses. The rule changes are to conform the rule to the statutory changes made by HB 283 and SB 43 and to streamline and update the rule for clarity. The changes are to update the rule to establish operating standards that encompass current statutory requirements and practices in the profession. Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make the rule comport to the Office of Administrative Rules *Rule Writing Manual*.

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

The Division finds that the non-small businesses in the Utah will not suffer a negative fiscal impact from the proposed rule amendments. However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

**Citation Information**

**6. 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:**

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

**Incorporations by Reference Information**

**7. Incorporations by Reference** (if this rule incorporates more than two items by reference, please include additional tables):

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*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
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*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

**Public Notice Information**

8. 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: 01/03/2023

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

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
12/08/2022	9:00 AM	Rule hearing will be held electronically via Zoom - information below  <a href="https://utah.gov.zoom.us/j/89084010097">https://utah.gov.zoom.us/j/89084010097</a>

9. This rule change MAY become effective on: 01/10/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**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:	11/15/2022
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R156. Commerce, [~~Occupational and~~] Professional Licensing.

R156-60b. Marriage and Family Therapist Licensing Act Rule.

R156-60b-101. Title - Authority - Organization and Relationship to Rule R156-1.

(1) This rule is known as the "Marriage and Family Therapist Licensing Act Rule." [-]

(2) 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.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-60b-102. Definitions.

[~~In addition to~~] The following definitions supplement the definitions in Title 58, Chapter 1, Division of [~~Occupational and~~] Professional Licensing Act, and Chapter 60, Mental Health Professional Practice Act [~~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).

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

(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:

(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 accredited program; or

(b) title, objective, or official description of the course indicates instruction on relationships, couples, or families.

(5) "Practicum[-]" as used in Subsection R156-60b-302a(2)(g), means a clinical program of training at an accredited school in a setting other than a student's supervised private practice.

(6) "Unprofessional conduct" [~~as defined in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, and Chapter 60, Mental Health Professional Practice Act,~~] is further defined, [~~in accordance with~~] under 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-104. Organization - Relationship to R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.]~~

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

(1) Under Subsections 58-60-305(1)(d) and 58-60-305(1)(e) and Section R156-60-302, an applicant shall have completed a minimum of [4]3,000 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; or
  - (ii) a doctorate program student who is not paid as a 1099 independent contractor;
- (~~e~~)b) under supervision that complies with Sections 58-60-307, R156-60-302, and R156-60b-302d;
- (~~a~~)c) under Subsections 58-60-305(1)(d) and 58-60-305(1)(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~~)d) count training hours completed in a group therapy session only if the applicant functioned as the primary therapist or co-therapist; and
- (~~f~~)e) 100 hours of direct supervision, spread uniformly and continually throughout supervised training.

(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 ~~[any of]~~ in whole or in part 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 section and Subsections 58-60-305(1)(d) and 58-60-305(1)(e).

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

Under Subsection 58-60-305(1)(f), an applicant for licensure as a marriage and family therapist shall pass the Marital and Family Therapy National Examination administered by the American Association of Marital and Family Therapy Regulatory Boards.

**R156-60b-306. License Reinstatement - Between Two Years and Five Years After Expiration.**

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

(2) if recommended by the Board, complete one or more of the following:

(a) establish a plan of supervision under an approved supervisor that may include up to [4]3,000 hours of marriage and family therapy and

mental health therapy training as a marriage and family therapist-  
temporary;

(~~[3]~~b) [~~if recommended by the Board,~~] pass the Marital and Family  
Therapy National Examination administered by the American Association for  
Marriage and Family Therapy Regulatory Boards; and

(~~[4]~~c) [~~as required by the Board, complete a minimum of~~] complete up  
to 40 hours of professional education in subjects determined by the Board.

KEY: licensing, therapists, marriage and family therapist

Date of Enactment or Last Substantive Amendment: [~~March 7, 2022~~] 2023

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