

State of Utah  
Administrative Rule Analysis  
Revised May 2023

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Updared

12.7.23

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

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 persons listed above.

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:

The Division in collaboration with Marriage and Family Therapist Licensing Board makes this filing with the intent that the amendments being proposed incorporate changes due to HB 250 which was passed during the 2023 Legislative Session, merge provisions found in R156-60 the Mental Health Practice Act Rule, which is being recommended for repeal, and correct grammar and formatting errors.

4. Summary of the new rule or change:

Amendment to R156-60b-102 reenacts definitions from the Mental Health Practice Act Rule R156-60 (being repealed) which will provide clarity and continuity for readers. This section 102 also includes grammar, citation, and formatting corrections. Amendment to R156-60b-302b reenacts provisions regarding experience being repealed with the Mental Health Practice Act Rule. In addition, grammar, formatting, and citation corrections are proposed. Amendments in this section also reflect changes enacted with 2023 legislation as well. Amendments to R156-60b-302d reenact sections of the Mental Health Practice Act Rule and clarifies what constitutes the required suicide prevention course as well as incorporating reenacted provisions from the repealed R156-60. Removal of the original section is also included as it is being incorporated into section 305a. Amendments to R156-60b-303 correct grammar and clarifies requirements that the Board historically uses to determine reinstatement. Amendments to R156-60b-304 reenacts provisions regarding continuing education being repealed with the Mental Health Practice Act Rule. Amendment to R156-60b-306 removes section that is incorporated into section 303. Amendments to R156-60b-305a reenacts provisions regarding supervisor eligibility being repealed with the Mental Health Practice Act Rule. Amendments to R156-60b-305b reenacts provisions regarding supervised experience, supervision contracts, and the duties and responsibilities of a supervisor and supervisee being repealed with the Mental Health Practice Act Rule. Amendments to R156-60b-502 corrects formatting, grammar, and citations.

Fiscal Information

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

A) State budget:

The proposed changes are not expected to have any fiscal impact on state government revenues or expenditures. The requested changes reflect current industry standards as approved by the Marriage and Family Therapist Licensing Board, and will continue to ensure that the minimum required standards have been met.

**B) Local governments:**

The proposed changes are not expected to have any fiscal impact on local government revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Marriage and Family Therapist Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Marriage and Family Therapist Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on non-small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Marriage and Family Therapist Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

**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 proposed changes are not expected to have any fiscal impact on affected persons. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Marriage and Family Therapist Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes for affected persons, so there is no 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 in Box 5.E for other persons, the proposed changes are not expected to have any 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>FY2024</b>	<b>FY2025</b>	<b>FY2026</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>FY2024</b>	<b>FY2025</b>	<b>FY2026</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") in collaboration with the Marriage and Family Therapist Licensing Board proposes these amendments in response to the statutory changes made in HB 166 during the 2023 General Session. Because Rule R156-60 is being repealed, these proposed amendments reenact the rules as they apply to marriage and family therapists, make nonsubstantive grammar and formatting changes to streamline and update the rules, and comply with the OAR Rulewriting Manual.

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

The Division does not expect any foreseeable impact on small businesses in the practice of marriage and family therapy industry in the State of Utah. The proposed amendments are to conform to the requirements of HB 166. The changes to are reenact the rules due to the repeal of Rule R156-60, update the rule to encompass current statutory requirements and practices in the profession. Further, the Division does not foresee any negative impact on small businesses since grammatical and formatting amendments are made to make the rule comport to the OAR Rule Writing Manual.

**Non-Small Businesses (50 or more employees):**

The Division finds that the non-small businesses in the marriage and family therapy industry in the State of 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:**

58-1-106(1)(a)	58-1-202(1)(a)	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):**

<b>Official Title of Materials Incorporated (from title page)</b>	Model Standards of Practice for Child Custody Evaluation
<b>Publisher</b>	Association of Family and Conciliation Courts (AFCC)
<b>Issue Date</b>	May 2006
<b>Issue or Version</b>	

**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):**

<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Issue Date</b>	
<b>Issue or Version</b>	

**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.)**

<b>A) Comments will be accepted until:</b>	01/17/2024	
<b>B) A public hearing (optional) will be held:</b>		
<b>Date (mm/dd/yyyy):</b>	<b>Time (hh:mm AM/PM):</b>	<b>Place (physical address or URL):</b>
01/16/2024	9:00 AM	160 East 300 South, Conference Room 474 and also via Google Meet – link below
		Google Meeting link meet.google.com/yfq-psko-xgt Join by phone

(US) +1 304-691-0096  
PIN: 605869246

**To the agency:** If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

**9. This rule change MAY become effective on:** 01/24/2024

**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, 63G-3-302, 63G-3-303, and 63G-3-402. 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.

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	11/20/2023
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R156. Commerce, Professional Licensing.

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

R156-60b-102. Definitions.

~~[The following definitions supplement the definitions]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 60, Mental Health Professional Practice Act. In addition:

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

(2) "AMFT" means an associate marriage and family therapist.

(3) "Approved diagnostic and statistical manual for mental disorders" means the following:

(a) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition: DSM-5 published by the American Psychiatric Association;

(b) International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) for Physicians, Professional Edition published by the American Medical Association; or

(c) International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM): The Complete Official Draft Code Set published by the American Medical Association.

(4) "APRN" as used in Subsection R156-60b-305a(1)(a)(i) means an advanced practice registered nurse who meets the requirements of Subsection 58-31b-302(5)(g) to practice within the psychiatric mental health nursing specialty.

(5) "Client" or "patient" means an individual who, if competent requests, or if not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist:

(a) agrees verbally or in writing to provide professional services to that individual; or

(b) without an overt agreement does in fact provide professional services to that individual.

([2]6) "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[~~420(a)~~](2)(a) through (g).

([3]7) "Direct personal supervision" ~~[is the same as defined under Subsection R156-60-102(4).]~~ of a supervised individual in training, as used in Subsection 58-60-305(1)(e) means the supervisor meets with the supervisee:

(a) when both are physically present in the same room at the same time; or

(b) remotely via synchronous electronic methods that allow for visual and audio interaction between the supervisor and supervisee, in accordance with the requirements of their supervision contract.

([4]8) "Directly related to marriage and family therapy" as used in Section R156-60b-304 and Subsection R156-~~[60-105(1)(e)]~~ 60b-304(1)(a), means that the continuing education course:

(a) ~~[is approved by]~~ has the approval of 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.

(9) "Employee" means a W-2 employee as defined by the Internal Revenue Service.

(10) "Independent of control" as used in Subsections R156-60b-305(4)(c) and (5)(e), means not being employed by the supervisee, or by an agency owned in total or in part by the supervisee, or that the supervisee has any controlling interest.

(11) "Marriage and family therapy experience" as used in Subsection R156-60b-302b(1) includes clinical mental health therapy hours obtained direct with clients and:

(a) conducting, with documentation, an intake interview, mental status evaluation, biopsychosocial history, mental health history, or assessment for treatment planning caseload management;

(b) obtaining knowledge related to techniques and interventions for the prevention and treatment of a broad range of mental health issues;

(c) strategies for interfacing with the legal system regarding court-referred clients;

(d) strategies for interfacing with integrated behavioral health care professionals; and

(e) strategies to advocate for persons with mental health issues.

(12) "Marriage and family therapy" as used in Subsections R156-60b-302b(1)(a) and (b), means the practice area of marriage and family therapy, which focuses on the assessment, diagnosis, treatment, and prevention of mental disorder, emotional, and other behavioral disturbances using individual, couple, group, and family therapy modalities.

(13) "MFT" means a marriage and family therapist.

(14) "On-the-job training program" as used in Subsection 58-1-307(1)(c), means a program that:

(a) applies to individuals who have completed courses required for graduation in a degree or formal training program that would qualify for licensure under this chapter;

(b) starts immediately upon completion of courses required for graduation;

(c) ends 45 days from the date it begins, or upon licensure, whichever is earlier, and may not be extended to used a second time;

(d) the individual is an employee of a public or private mental health agency, in-patient or out-patient hospital, educational institution, or government agency, and is providing clinical mental health services; and

(e) is supervised by a qualified individual licensed under this chapter, and includes supervision meetings on at least a weekly basis with the supervisee and supervisor physically present in the same room at the same time.

([5]15) "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.

(16) "Supervision contract" means a written, signed contract between a supervisor and an individual being supervised to facilitate the

completion of experience requirements for licensure and includes the provisions required by Subsection R156-60b-305b(3).

(17) "Supervisor Verification form" means the form, provided by the Division, to document who is providing supervision to a supervised individual, which at a minimum includes:

(a) name and license number of the individual;

(b) name and license number of the supervisor; and

(c) supervised individuals place of employment.

([6]18) "Unprofessional conduct" is further defined, under Subsection 58-1-203(1)(e), in Section R156-60b-502.

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

(1) Under Subsection 58-60-305(1)(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]~~ when the applicant obtained the education; or

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

(2) 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;

(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, as defined in Section 58-60-305a, ~~[that]~~ which includes at least 400 hours as follows:

(i) 100 hours of direct supervision; and

(ii) 300 hours of mental health therapy under direct supervised clinical practice, with at least 150 hours in couple or family therapy with two or more clients participating.

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

(1) Under Subsection ~~[s]~~ 58-60-305(1)(d) ~~[and 58-60-305(1)(e) and Section R156-60-302, an applicant shall have completed a]~~ the minimum ~~[of~~

]3,000 hours of supervised marriage and family therapy[~~training as follows~~] experience required to obtain marriage and family therapist licensure shall include:

(a) 1,000 hours providing marriage and family therapy as defined in Subsection 58-60-305(1)(e) with a minimum of 500 of those hours including two or more clients participating; and

(b) 75 hours of marriage and family therapy performed continually and uniformly under direct personal supervision per Subsection R156-60b-102(7).

(2) Marriage and family therapy experience shall include:

(a) individual, couple, family, and group therapy;

(b) crisis intervention;

(c) mediating relationships; and

(d) breaking dysfunction cycles.

(3) Supervised experience shall be obtained:

(a) while the individual is a licensed associate marriage and family therapist or as a doctoral program student who is not paid as a 1 099 independent contractor;

(~~a~~)b while the applicant is a W-2 employee providing clinical [~~engaged in~~] mental health therapy[~~as~~] at one of the following facilities:

(i) mental health agency;

(ii) in-patient or out-patient hospital;

(iii) educational institution;

(iv) non-profit organization; or

(v) government agency;

(c) in accordance with the supervision experience requirements of Section R156-60b-305b;

(d) under a supervisor who meets the requirements of Section R156-60b-305a; and

(c) in not less than 18 months.

(4) Training and experience completed in group therapy sessions shall only be counted if the applicant functioned as the primary therapist or co-therapist.

(5) Notwithstanding Subsection (3)(b), an individual may qualify for licensure when:

(a) exempt under Subsection 58-1-307(1)(a);

(b) they completed training in another jurisdiction while:

(i) licensed as the equivalent of an AMFT; or

(ii) engaged in the legal practice of marriage and family therapy while not required to be licensed; and

(c) provides satisfactory evidence to the Division and Board documenting training is equivalent to and meets the experience requirements under this section and Subsections 58-60-305(1)(d) and (e).

(5) The exemption in Subsection 58-1-307(1)(b) does not permit an applicant to engage in the required hours of marriage and family therapy training and experience without first becoming licensed as an AMFT.

[~~(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;~~

~~(b) under supervision that complies with Sections 58-60-307, R156-60-302, and R156-60b-302d;~~



~~— (e) 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;~~

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

~~— (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 in whole or in part the marriage and family therapy training requirements outside the state, may receive credit for that training 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-302d. Qualifications for Licensure - Suicide Prevention Course.**

(1) Under Subsection 58-60-305(1)(d)(iii), the two-hour suicide prevention course required to obtain marriage and family therapist licensure shall be:

(a) approved, sponsored, or conducted by one of the following:

(i) accredited college or university;

(ii) county, state, or federal agency;

(iii) professional association, or similar body, involved in clinical mental health therapy; or

(iv) mental health agency that provides clinical mental health services;

(b) relevant to mental health therapy and suicide prevention, consistent with the laws of this state, and include one or more of the following components:

(i) suicide concepts and facts;

(ii) suicide risk assessment, crisis intervention, and first aid;

(iii) evidence-based intervention for suicide risk;

(iv) continuity of care and follow-up services for suicide risk; and

(v) therapeutic alliances for intervention in suicide risk;

(c) completed in not less than 50-minute blocks of time in one of the following formats:

(i) classroom lecture and discussion;

(ii) workshops;

(iii) synchronous webinars;

(iv) asynchronous online self-paced modules;

(v) case study reviews; or

(vi) simulations; and

(d) completed within two years of application.

(2) The course provider shall provide certification of:

(a) course attendance;

(b) hours completed;

(c) name of provider; and

(d) date of completion.

(3) An applicant for licensure shall submit certification of course completion, within the preceding two years, to the Division as a prerequisite for licensure.

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

~~Under Subsection 58-60-307(1), to be qualified as a marriage and family therapist training supervisor under Subsections 58-60-305(1)(d) and (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 accredited marriage and family therapy 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 as follows:~~

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

~~(ii) eight hours of 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 marriage and family therapy supervision;~~

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

~~(b) 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] and Reinstatement of License.**

(1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to all licenses under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act [Mental Health Professional Practice Act], is established in S[ub]section R156-1-308a[+(1)].

(2) Marriage and family therapist renewal [Renewal] and reinstatement procedures shall be in accordance with Sections R156-1-308[b]a through R156-1-308l [and R156-60b-306] except as provided in Subsection R156-60b-303(3).

(3) Under Subsection 58-1-308(6)(a) and Section R156-1-308g, an applicant for reinstatement of licensure as a marriage and family

therapist whose license has been expired over five years, shall upon request:

(a) meet with the Board to evaluate the applicant's ability to safely and competently practice as a marriage and family therapist; and

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

(i) establish a plan of supervision under an approved supervisor, which may include up to 3,000 hours of marriage and family therapist experience and training as an AMFT before qualifying for reinstatement of the MFT license;

(ii) retake and pass the Marital and Family Therapy National Examination administered by the American Association of Marriage and Family Therapy Regulatory Boards; or

(iii) complete up to 40 hours of continuing education in subjects determined by the Board.

#### **R156-60b-304. Continuing Education.**

(1) Under Section 58-60-105, the continuing [~~professional~~] education (CE) requirements for each two-year renewal cycle beginning October 1 of each even-numbered year, for a marriage and family therapist licensed under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act, [~~are in Section R156-60-105.~~] shall be 40 hours and include:

(a) six hours in ethics of clinical practice, law, or technology with a minimum three of the hours directly related to marriage and family therapy; and

(b) two hours in suicide prevention, this course shall meet the requirements of Section R156-60b-302d.

(2) At least 15 of the required 40 CE hours must be directly related to the practice of marriage and family therapy.

(3) An individual who completes more than the required number of CE hours during a two-year renewal cycle may carry over up to ten hours of excess to the next two-year renewal cycle.

(4) CE shall be:

(a) approved, conducted, or under the sponsorship of one of the following:

(i) accredited college or university;

(ii) county, state, or federal agency;

(iii) professional association, or similar body, involved in clinical mental health therapy; or

(iv) mental health agency that provides clinical mental health services;

(b) completed in not less than 50-minute blocks of time in one of the following formats:

(i) college or university lecture and discussion up to a maximum of:

(A) three CE hours per semester hour; or

(B) 1.5 CE hours per quarter hour;

(ii) conference;

(iii) lecture or instruction up to a maximum of two times per course, up to a maximum of 14 CE hours for an MFT;

(iv) seminar;

(v) training session;

(vi) synchronous distance learning course that is clearly documented as real-time and interactive;

(vii) asynchronous distance learning course that is not real-time and interactive, up to a maximum of 15 CE hours for an MFT;

(viii) specialty certification;

(ix) certifiable clinical readings, up to a maximum of 15 hours;

(x) direct supervision of an ACMHC, CSW, or AMFT completing the experience requirements for licensure, up to a maximum of 14 hours for an MFT; and

(xi) volunteer service on a board, committee, or in a leadership role in any state, national, or international organization for the development and improvement of the licensee's profession; one CE hour may be counted as a regular credit, ethics of clinical practice, law, or technology credit, up to a maximum of six CE hours during each two-year period;

(c) prepared and presented by individuals who are qualified by education, training, and experience to provide CE;

(d) relevant to the licensee's scope of practice; and

(e) verified by a certificate of course completion that shall include:

(i) name of the attendee;

(ii) name of the course provider;

(iii) name of instructor;

(iv) date of the course;

(v) title of the course;

(vi) number of CE hours;

(vii) course objectives; and

(viii) type of CE, for example seminar, real-time interactive, distance learning, teaching.

(5) An individual shall maintain adequate documentation as proof of compliance with this section for a period of two years after the end of the renewal cycle for which the CE is due.

(6) An individual may not carry forward any CE hours received before a granted license, including professional upgrades.

(7) CE hours shall be decreased proportionately according to the date of obtaining marriage and family therapist licensure within the two-year renewal cycle.

(8) The Division may defer or waive CE requirements in accordance with Section R156-1-308d.

**~~[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 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 3,000 hours of marriage and family therapy and mental health therapy training as a marriage and family therapist temporary;~~

~~\_\_\_\_\_ (b) pass the Marital and Family Therapy National Examination administered by the American Association for Marriage and Family Therapy Regulatory Boards; and~~

~~\_\_\_\_\_ (c) complete up to 40 hours of professional education in subjects determined by the Board.~~

]

**R156-60b-305a. Supervisor Eligibility Requirements.**

(1) Under Subsections 58-60-305(1)(d) and (e), to be eligible to supervise an AMFT, the supervisor shall be:

(a) an active license holder in good standing, in one of the following classifications:

(i) APRN specializing in psychiatric mental health nursing;

(ii) clinical mental health counselor (CMHC);

(iii) clinical social worker (LCSW);

(iv) psychiatrist;

(v) psychologist; or

(vi) marriage and family therapist;

(b) licensed for at least two years as outlined in Subsection (1)(a) before providing supervision;

(c) engaged in the lawful practice of providing marriage and family therapy;

(d) a supervisor of no more than six individuals who are obtaining experience hours for further licensure, unless granted an exception in writing from the Division in collaboration with the Board;

(e) employed by or have a contract with the facility that employs the individual being supervised; and

(f) if supervising an AMFT, certified as a supervisor through the AAMFT or approved as a Utah supervisor by completion of one of the following:

(i) a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education accredited marriage and family therapy program at an accredited university; or

(ii) 20 clock hours of instruction sponsored by AAMFT or the Utah Association for Marriage and Family Therapy as follows:

(A) four hours of review of models of marriage and family therapy and supervision;

(B) eight hours of marriage and family therapy supervision processes and practice;

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

(D) four hours of AAMFT Code of Ethics, state rules, and case studies related to marriage and family therapy supervision;

(2) A supervisor of an AMFT shall complete four hours of continuing education directly related to marriage and family therapy supervision, during each two-year renewal cycle, to maintain supervisor eligibility.

(3) A training supervisor shall comply with duties and responsibilities established in Section R156-60b-305b.

R156-60b-305b. Supervised Experience Requirements - Supervision Contract - Duties and Responsibilities of Supervisor and Supervisee.

Under Subsection 58-60-305(1)(d), the supervised experience qualifications for licensure required under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act are established and clarified as follows:

(1) Before accruing supervised experience, an individual shall:

(a) enter into a written supervision contract with a supervisor, signed by both parties; and

(b) verify that the supervisor has received acknowledgment from the Division of receipt of the Supervisor Verification document.

(2) Before providing supervision, a supervisor shall:

(a) enter into a written supervision contract with a supervisee, signed by both parties;

(b) ensure that during the period of supervised experience the supervisee is a W-2 employee providing clinical mental health services at one of the following facilities:

(i) mental health agency;

(ii) in-patient or out-patient hospital;

(iii) educational institution;

(iv) non-profit organization; or

(v) government agency;

(c) submit to the Division:

(i) a complete Supervisor Verification form; and

(ii) certification that the supervision contract meets the requirements of Subsection R156-60b-305(3);

(d) receive an acknowledgment from the Division verifying receipt of the Supervisor Verification form.

(3) A supervision contract shall include at least the following provisions:

(a) a plan to ensure the supervised individual has accessibility to the supervisor;

(b) a plan for meetings between the supervisor and supervisee, addressing:

(i) frequency;

(ii) duration;

(iii) objectives;

(iv) format, such as individual or small group; and

(v) location, such as face-to-face or remotely;

(c) a plan for documenting the ongoing supervision, including objective and measurable circumstances;

(d) a plan to address potential conflicts between the clinical recommendations of the supervisor and those of the representatives of the agency employing the supervisee;

(e) remedies in the event of a breach of contract by either the supervisor or supervisee, including procedures for contract termination; and

(f) if any part of the supervision will be conducted remotely, plans for:

- (i) how the supervisor and supervisee will meet via real-time electronic methods allowing visual or audio interaction, and protect the security of electronic, confidential data and information;
- (ii) how the supervisor will comply with the supervisor's duties and responsibilities as established in rule;
- (iii) how the supervisor will physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision, or at such less frequency as is approved in advance by the Division in collaboration with the Board; and
- (iv) how notice will be provided to the supervisee's clients or patients and employer regarding the supervisee's use of remote supervision.

(4) A supervisor shall have the following duties and responsibilities:

- (a) ensure that during the period of supervision:
  - (i) the supervisee if a W-2 employee providing clinical mental health services at one of the following facilities:
    - (A) mental health agency;
    - (B) in-patient or out-patient hospital;
    - (C) educational institution;
    - (D) non-profit organization; or
    - (E) government agency;
  - (ii) the supervisor and supervisee remain appropriately licensed;
- and
- (iii) the supervisor supervises no more than six individuals who are lawfully engaged in gathering experience for the practice of clinical mental health therapy;
- (b) comply with the terms of the supervision contract;
- (c) maintain a relationship with the supervisee which the supervisor is independent of control by the supervised individual, and that the ability of the supervisor to supervise and direct the practice of that individual is not compromised;
- (d) be available to the supervisee for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances, including consideration of the supervisee's level of training, diagnosis of patients, and other factors known to the supervisor;
- (e) periodically review the client records assigned to the supervisee;
- (f) comply with the confidentiality requirements of Section 58-60-114;
- (g) monitor the supervisee's performance for compliance with the laws, rules, standards, and ethics of the profession, and report violations to the Division; and
- (h) upon completion of the supervised training, submit to the Division on Division-provided forms:
  - (i) documentation of the training hours completed by the supervised individual; and
  - (ii) an evaluation of the supervised individual with respect to the quality of the work performed and the individual's competency to practice in the profession.

(5) A supervisee shall have the following duties and responsibilities:

(a) before beginning any supervised training:

(i) enter into a written supervision contract with the supervisor in accordance with Subsection R156-60b-305b(3); and

(ii) ensure that the required Supervisor Verification form is received by the Division;

(b) maintain required licensure;

(c) maintain employment as a W-2 employee providing clinical mental health services at one of the following facilities:

(i) mental health agency;

(ii) in-patient or out-patient hospital;

(iii) educational institution;

(iv) non-profit organization; or

(v) government agency;

(d) comply with the terms of the supervision contract;

(e) maintain a relationship with the supervisor which the supervisor is independent of the supervised individuals control, and that the ability of the supervisor to supervise and direct the practice of that individual is not compromised;

(f) be professionally responsible for the acts and practices of the supervisee that are a part of the required supervised training;

(g) comply with the confidentiality requirements of Section 58-60-114; and

(h) comply with applicable laws, rules, standards, and ethics of the profession.

(6) A supervisor shall notify the Division in writing of any of the following changes, within 30 days of the change:

(a) termination of a supervision contract; or

(b) a change in the supervised individuals place of employment.

(7)(a) If a supervisor does not support the issuance of a license to a supervised individual to practice unsupervised, or if the supervisor has other concerns regarding the individual that the supervisor believes requires input from the Division and Board, the supervisor shall submit to the Division a written explanation outlining the supervisor's concerns.

(b) Upon receipt of written concerns from a supervisor with respect to a supervisee, the Division:

(i) shall provide the supervised individual an opportunity to respond in writing to the Division regarding the supervisor's concerns;

(ii) shall review the written statements from the supervisor and supervisee with the Board; and

(iii) in consultation with the Board, the supervised individual may be required to obtain additional supervised experience hours, education, and training.

#### **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 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 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;~~
- ~~— (6) 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; or~~
- ~~— (16) violating a provision of the Revised AAMFT Code of Ethics effective January 1, 2015, which is adopted and incorporated by reference.]~~

Under Subsection 58-60-110(2), "unprofessional conduct" includes:

- (1) using the abbreviated title of:
  - (a) AMFT unless licensed as an associate marriage and family therapist;
  - (b) AMFTE or AMFT-Extern unless licensed as an associate marriage and family therapist extern; or

(c) MFT unless licensed as a marriage and family therapist;  
(2) acting as a supervisor or accepting supervision from a supervisor without complying with or ensuring compliance with Sections R156-60b-305a and 305b;  
(3) directing one's mental health therapist supervisor to engage in a practice that would violate any statute, rule, or generally accepted professional or ethical standard of the supervisor's profession;  
(4) engaging in the supervised practice of clinical mental health therapy:  
(a) as a licensed AMFT or AMFT-Extern unless:  
(i) the licensee has completed a clinical practicum program accredited by the Commission on Accreditation for Marriage and Family Therapy Education; and  
(ii) the scope of practice is within the licensee's competency, abilities, and education;  
(b) while not in compliance with Section R156-60b-305b;  
(5) engaging in or aiding or abetting:  
(a) conduct or practices that are dishonest, deceptive, or fraudulent;  
(b) deceptive or fraudulent billing practices;  
(c) 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; or  
(d) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;  
(6) engaging in dual or multiple relationships with a client or former client when there is a risk of or potential harm to the client;  
(7) knowingly engaging in sexual activities or sexual contact with a client, former client, or another individual with whom the client maintains a close personal relationship with or without the client's consent;  
(8) exploiting for personal gain a:  
(a) client;  
(b) former client; or  
(c) person who has a personal relationship with a client;  
(9) failing to:  
(a) establish and maintain professional boundaries with a client or former client;  
(b) exercise professional discretion and impartial judgment required for the performance of professional activities, duties, and functions;  
(c) provide impartial, objective, and informed services, recommendations, or opinions with respect to:  
(i) custodial or parental rights;  
(ii) divorce;  
(iii) domestic relationships;  
(iv) adoptions;  
(v) sanity;  
(vi) competency;  
(vii) mental health; or  
(viii) other determination concerning an individual's civil or legal rights;

(d) maintain client records including records of assessment, treatment, progress notes, and billing information for a period of not less than ten years from the documented termination of services to the client;

(e) provide client records in a reasonable time upon written request of the client, or the client's legal guardian;

(f) obtain informed consent from the client or the client's legal guardian before taping, recording, or permitting third-party observations of client activities or records;

(g) protect the confidences of persons named or identified in the client records;

(h) abide by the AAMFT Code of Ethics, effective January 1, 2015, which is incorporated by reference;

(i) follow the Model Standards of Practice for Child Custody Evaluation of the Association of Family and Conciliation Courts (AFCC) May 2006, which is incorporated by reference; and

(j) cooperate with the Division during an investigation;

(10) if providing services remotely, failing to:

(a) practice according to professional standards of care in the delivery of services;

(b) protect the security of electronic confidential data and information; or

(c) appropriately store and dispose of electronic confidential data and information;

(11) violating:

(a) Section R156-60b-305a regarding supervisor experience; or

(b) Section R156-60b-305b as a supervisor or supervised individual.

**KEY: licensing, therapists, marriage and family therapist**

**Date of Enactment or Last Substantive Amendment: ~~[January 10, 2023]~~ 2024**

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