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Governor
State of Missouri

Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Acting Director

STATE COMMITTEE OF MARITAL & FAMILY THERAPISTS

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Jefferson City, MO 65102-1335
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Loree V. Kessler, MPA
Executive Director

Meeting Notice

MISSOURI STATE COMMITTEE OF MARITAL AND FAMILY THERAPISTS

December 9, 2010 8:00 a.m.

Telephone Conference Call

Telephone Number – 573-526-5504

Toll Free - 866-630-9347

Division of Professional Registration

3605 Missouri Boulevard – Jefferson City, Missouri

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Missouri State Committee of Marital and Family Therapists, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0870 to ensure available accommodations. The text telephone for the Deaf or Hard of Hearing is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

Except to the extent disclosure is otherwise required by law, the Missouri State Committee of Marital and Family Therapists is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 RSMo.

The State Committee may convene in closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public, with the motion and vote recorded in open session minutes.

Please see attached agenda for this meeting.

Attachment

Tentative Open Agenda

MISSOURI STATE COMMITTEE OF MARITAL AND FAMILY THERAPISTS

December 9, 2010 8:00 a.m.

Telephone Conference Call

Telephone Number – 573-526-5504

Toll Free - 866-630-9347

Division of Professional Registration

3605 Missouri Boulevard – Jefferson City, Missouri

- 1 Approval of Open Session Agenda
- 2 Open Session Minutes
 - October 29, 2010
- 3 Regulatory Amendments and Request for Rulemaking – (Materials Forthcoming)
- 4 Meeting Schedule

Convene in closed session pursuant to sections 610.021 subsection (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 RSMo which authorized this agency to go into closed session during those meetings.

Adjournment

OPEN SESSION MINUTES
Missouri State committee for Marital and Family Therapists
December 9, 2010 – 8:00 a.m.
Missouri Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 8:10 a.m., the Missouri State Committee of Marital and Family Therapists convened by telephone conference call with the meeting called to order by Dr. Teri Loney, at the Missouri Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. Roll call was facilitated by the executive director.

State Committee Members Present

Dr. Teri Loney, Chairperson
Ted Estes, Secretary
Dianne Modrell, Public Member
Greg Roberts, Public Member

Staff Present

Loree Kessler, Executive Director
Jeanette Wilde, Executive I
Sarah Becker, Licensure Technician II
Earl Kraus, Legal Counsel

Visitor

Valerie Adrio, MOAMFT

Dr. Loney stated she would be voting in open and closed sessions.

A motion was made by Mr. Estes and seconded by Mr. Roberts to approve the open session agenda. State committee members voting aye: Dr. Loney, Mr. Estes, Mr. Roberts, and Ms. Modrell. Motion carried unanimously.

A motion was made by Mr. Estes and seconded by Mr. Roberts to approve the open session conference call minutes of October 29, 2010.

Regulatory Amendments

A motion was made by Mr. Roberts and seconded by Ms. Modrell for staff to proceed with filing the proposed amendments noting minor changes would be made by counsel. State committee members voting aye: Dr. Loney, Mr. Estes, Mr. Roberts, and Ms. Modrell. Motion carried unanimously.

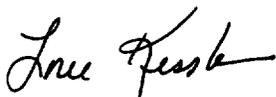
A copy of the amendments, request for rulemaking and small business impact statement is attached to the minutes.

Meeting Schedule

The state committee tentatively scheduled a conference call for February 3, 2011 at 8:00 a.m.

At 8:21 a.m., a motion was made by Mr. Estes and seconded by Mr. Roberts to convene in closed session pursuant to section 610.021 subsection (14), 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and or complaints and or audits and or other information pertaining to the licensee or applicant, section 610.021 Subsection (1) RSMo for the purpose of discussing general legal actions, causes of actions or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 RSMo which authorizes agencies to go into closed sessions during those meetings. State committee members voting aye: Dr. Loney, Mr. Estes, Mr. Roberts, and Ms. Modrell. Motion carried unanimously.

At 9:15 a.m., a motion was made by Mr. Estes and seconded by Ms. Modrell to convene in open session and adjourn. State Committee members voting aye; Dr. Loney, Mr. Estes, Mr. Roberts, and Ms. Modrell. Motion carried unanimously.



Executive Director

Approved by State Committee on February 24, 2011

20 CSR 2233-1.010 Committee Information—General Organization

PURPOSE: This rule describes the organization and general methods of administration and communication concerning the Missouri State Committee of Marital and Family Therapists.

(1) The purpose of the state committee is to advise the division on the regulation of the practice of marital and family therapy concerning the health, safety and welfare of the inhabitants of this state; to protect the inhabitants of this state from harm through the dangerous, dishonest, incompetent, or the unlawful practice of marital and family therapy and to assist the division in implementing and sustaining a system for the examination and regulation of **licensed** marital and family therapists (**LMFT**), **provisional licensed marital and family therapists (PLMFT)** and **supervised** marital and family therapists (**S-MFT**)

(2) The state committee shall meet at least once a year and as frequently as the business of the division and state committee requires. Annually, the state committee shall elect a chairperson and secretary by a majority of state committee member votes and in the absence of the chairperson, the secretary shall preside. All notices of meetings shall be posted in compliance with Chapter 610, RSMo.

(3) The director of the Division of Professional Registration or a designated representative of the division shall be responsible for keeping the minutes of state committee proceedings and perform other duties as requested by the division or state committee.

(4) State committee meetings will generally consist of receiving applications, interviewing applicants, investigating complaints and inquiries, determining disciplinary actions regarding licensed marital and family therapists, **provisional licensed marital and family therapists and supervised marital and family therapist**, and making recommendations to the division concerning state committee matters.

(5) Unless otherwise provided by the statutes or regulations, all meetings of the board may be conducted according to *Robert's Rules of Order*.

AUTHORITY: section 337.727.1(10), RSMo Supp. 1997. This rule originally filed as 4 CSR 233-1.010. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-1.010, effective Aug. 28, 2006.*

**Original authority: 337.727, RSMo 1995.*

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-1.010 Committee Information—General Organization

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed by the legislature and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license for marital and family therapists meeting specific statutory and regulatory requirements.

2. What will the department be able to do with it that it can't do without it?

Without the statutory language authorizing a provisional license, such a license could not be issued.

3. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (*statutory reference from HB 2226*).

4. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

5. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

6. What groups have a stake in this? Have they seen this, and if so, what do they think?

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support from the American Association for Marriage and Family Therapy.

7. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

7 licensees per fiscal year

Prior to the passage of HB 2226, a person receiving state committee approved supervision for licensure was defined by regulation as a supervised marital and family therapist, or S-MFT. The change in section 337.700 RSMo adds a section defining a provisional licensed marital and family therapist.

When a person files an application for supervision, a compliance plan is submitted outlining how the applicant will obtain the required hours and months of supervised practice required for licensure. It will not be necessary for a supervised marital and family therapist to submit another application and fee to obtain the provisional license. The provisional license will be issued to the supervised marital and family therapist upon receiving a passing score on the national examination and being in compliance with the educational requirements.

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

A review of fiscal years 2008, 2009 and 2010 was conducted to determine an average number of applications for supervision approved by the state committee. This average was then compared to the number of supervised marital and family therapists that pass the national examination while receiving licensure supervision to estimate the number of provisional licensees.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

National examination results are automatically reported to Missouri, as authorized by the perspective provisional licensed marital and family therapist. Because supervision has already been registered and approved by the state committee, no additional application or fee would be required.

A review of fiscal years 2008, 2009 and 2010 was conducted to determine an average number of applications for supervision approved by the state committee. This average was then compared to the number of supervised marital and family therapists that pass the national examination while receiving licensure supervision to estimate the number of provisional licensees.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The legislation was drafted and supported by the Missouri Association for Marriage and Family Therapy and the state committee has worked with members of the board of directors of the association in developing the language. Association officers have been present on any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division because there is no additional application or corresponding fee required. The regulation adds provisional licensed marital and family therapist as a license type.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

The regulation does not have a compliance element. The regulation adds provisional licensed marital and family therapist as a license type.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

There are no direct or indirect costs, because the regulation adds provisional licensed marital and family therapist as a license type.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Because provisional licensed marital and family therapists are added to the regulation, the provisional licensee is directly affected.

20 CSR 2233-1.030 Complaint Handling and Disposition

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo 1994.

(1) The [Division of Professional Registration, in coordination with the] State Committee of Marital and Family Therapists, will receive and process each complaint made against any licensed marital and family therapist, **provisional licensed marital and family therapist (PLMT)**, supervised[-]marital and family therapist (S-MFT), applicant for licensure or supervision or unlicensed individual or entity, in which the complaint alleges certain acts or practices may constitute one (1) or more violations of the provisions of sections 337.700–337.739, RSMo Cum. Supp. 1997 or the administrative rules. No member of the State Committee of Marital and Family Therapists may file a complaint with the division or state committee while holding that office, unless that member is excused from further state committee deliberation or activity concerning the matters alleged within that complaint. Any division staff member or the state committee may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: Missouri State Committee of Marital and Family Therapists, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102. However, actual receipt of the complaint by the state committee at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Verbal or telephone communications [*shall not*] **may** be considered or processed as complaints, however, the person making such communication shall be asked to supplement the communication with a written complaint. Individuals with special needs as addressed by the Americans with Disabilities Act may notify the state committee office at (573) 751-0870 for assistance. The TTY number for the hearing impaired is (800) 735-2966 through Relay Missouri and (800) 735-2466 through Voice Relay Missouri.

(4) Each complaint received under this rule will be logged and maintained by the state committee. The log will contain a record of each complainant's name; the name and address of the subject(s) of the complaint; the date each complaint is received by the state committee; a brief statement concerning the alleged acts or practices; a notation indicating the complaint resulted in its dismissal by the division or disciplinary action by the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log shall be a closed record of the state committee.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant and [licensee] **complaint respondent** shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority of the state committee or division to file a complaint with the Administrative Hearing Commission charging a [licensee] **licensed marital and family therapist, PLMFT**, or S-MFT with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the state committee and whether or not any public complaint has been filed with the state committee.

(7) The division **and state committee** interpret[S] this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the state committee. This rule is not deemed to protect, or inure to the benefit of those [licensees] **licensed marital and family therapists, PLMFTs, S-MFTs**, or other persons against whom the state committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 337.700–337.739, RSMo Cum. Supp. 1997.

AUTHORITY: section 337.727.1(7) and (10), RSMo Supp. 1997. This rule originally filed as 4 CSR 233-1.030. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-1.030, effective Aug. 28, 2006.*

**Original authority: 337.727, RSMo 1995.*

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-1.030 Complaint Handling and Disposition

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed by the legislature and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license for marital and family therapists meeting specific statutory and regulatory requirements.

2. What will the department be able to do with it that it can't do without it?

Reference to this license type must be included in this section regarding complaints that can be submitted to the state committee. Additionally, provisional licensees must be aware that the requirements that are applicable to licensed marital and family therapists and supervised marital and family therapists apply to provisional licensed marital and family therapists.

3. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (statutory reference from HB 2226).

4. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

5. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

6. What groups have a stake in this? Have they seen this, and if so, what do they think?

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support from the American Association for Marriage and Family Therapy.

7. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

- YES
- NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

A provisional licensed marital and family therapist is a supervised marital and family therapist that has passed the national examination and met all educational requirements. The issuance of a provisional license does not change the requirements to practice legally and ethically. Therefore, the state committee does not foresee any increase in complaints related to the issuance of the provisional license.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

A provisional licensed marital and family therapist is a supervised marital and family therapist that has passed the national examination and met all educational requirements. The issuance of a provisional license does not change the requirements to practice legally and ethically. Therefore, the state committee does not foresee any increase in costs related to complaints filed against a provisional licensee.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support from the American Association for Marriage and Family Therapy. The state committee has worked with members of the state association's board of directors on developing the language. Association members have been present on any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division because there is no fee.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Provisional licensed marital and family therapists under state committee approved licensure supervision will be subject to the regulation should a complaint be filed.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

There are no direct or indirect costs to provisional licensees.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

The proposed rule will have an impact upon provisional licensees, in the event a complaint is filed. Members of the public that receive services from a provisional licensed marital and family therapist will benefit from the proposed rule because the language authorizes consumers to file a complaint with the state committee in the event a violation of the law and/or regulations by a provisional licensee should occur.

20 CSR 2233-1.050 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the state committee of name and address changes.

(1) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or a supervised[-]marital and family therapist [(S-MFT)] shall ensure the division has the current legal name and address of the [licensee] **licensed marital and family therapist, provisional licensed marital and family therapist**, or [S-MFT] **supervised marital and family therapist**.

(2) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or [S-MFT] **supervised marital and family therapist** whose name is changed by marriage or court order shall notify the division within thirty (30) days of the name change and provide a copy of the appropriate document verifying the name change.

(3) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or [S-MFT] **supervised marital and family therapist** whose address has changed shall inform the division of the address changes by sending a letter to the state committee's office within thirty (30) days of the effective date of the change.

(4) Failure of a **licensed marital and family therapist** to receive the notice and application to renew a license shall not excuse the [licensee] **licensed marital and family therapist** from the requirement of section 337.712.2, RSMo Cum. Supp. 1997.

AUTHORITY: section 337.727.1(1) and (10), RSMo Supp. 1997.* This rule originally filed as 4 CSR 233-1.050. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-1.050, effective Aug. 28, 2006.

*Original authority: 337.727, RSMo 1995.

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-1.030 Complaint Handling and Disposition

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

8. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed by the legislature and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license for marital and family therapists meeting specific statutory and regulatory requirements.

9. What will the department be able to do with it that it can't do without it?

Reference to this license type must be included in this section regarding complaints that can be submitted to the state committee. Additionally, provisional licensees must be aware that the requirements that are applicable to licensed marital and family therapists and supervised marital and family therapists apply to provisional licensed marital and family therapists.

10. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (statutory reference from HB 2226).

11. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

12. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

13. What groups have a stake in this? Have they seen this, and if so, what do they think?

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support from the American Association for Marriage and Family Therapy.

14. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
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Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

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Fee Decrease	\$0.00	0	\$0.00
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Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

A provisional licensed marital and family therapist is a supervised marital and family therapist that has passed the national examination and met all educational requirements. The issuance of a provisional license does not change the requirements to practice legally and ethically. Therefore, the state committee does not foresee any increase in complaints related to the issuance of the provisional license.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

A provisional licensed marital and family therapist is a supervised marital and family therapist that has passed the national examination and met all educational requirements. The issuance of a provisional license does not change the requirements to practice legally and ethically. Therefore, the state committee does not foresee any increase in costs related to complaints filed against a provisional licensee.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support from the American Association for Marriage and Family Therapy. The state committee has worked with members of the state association's board of directors on developing the language. Association members have been present on any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division because there is no fee.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Provisional licensed marital and family therapists under state committee approved licensure supervision will be subject to the regulation should a complaint be filed.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

There are no direct or indirect costs to provisional licensees.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

The proposed rule will have an impact upon provisional licensees, in the event a complaint is filed. Members of the public that receive services from a provisional licensed marital and family therapist will benefit from the proposed rule because the language authorizes consumers to file a complaint with the state committee in the event a violation of the law and/or regulations by a provisional licensee should occur.

20 CSR 2233-1.040 Fees

PURPOSE: This rule establishes the fees for the State Committee of Marital and Family Therapists.

(1) The following fees are established by the Division of Professional Registration and are payable in the form of a cashier's check, personal check or money order:

- (A) Application for Licensure \$100.00
 - (B) Registration of Supervision \$125.00
 - (C) Biennial License Renewal Fee \$225.00
- and in addition—
- 1. One day to sixty (1–60) days late (an additional) \$ 75.00
 - 2. Sixty-one (61) days to two (2) years late (an additional) \$100.00
- (D) Educational Review \$ 25.00
 - (E) Insufficient Funds Check Fee Charge \$ 25.00
 - (F) Change Supervision Fee \$ 25.00

(2) **[All fees are nonrefundable.] Fees can be returned to an applicant or licensee upon submitting a written request to the state committee explaining the reason the fee should be returned. A fee may be returned to an applicant at the state committee's discretion.**

AUTHORITY: sections 337.712, RSMo Supp. 2004 and 337.727, RSMo 2000.* This rule originally filed as 4 CSR 233-1.040. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2233-1.040, effective Aug. 28, 2006.

*Original authority: 337.712, RSMo 1995, amended 2004; and 337.727, RSMo 1995.

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-1.040 Fees

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

15. Why is it needed?

In order for the state committee to refund any fee, the regulation must be amended authorizing an applicant or license to request a refund and for the state committee to consider the request.

16. What will the department be able to do with it that it can't do without it?

Refunds can be made to an applicant or licensee.

17. Why now (e.g. to implement a new statute)?

The state committee has experienced instances that merit the return of an application fee, such as when an applicant must relocate to another state, or an applicant loses a job opportunity due to staffing reductions. Such circumstances are beyond the control of the applicant or licensee and merit consideration for a refund.

18. How much will it cost, and who will have to pay?

There is no private entity cost. The cost incurred by the state committee is related to processing the request for payment and a reduction to the state committee's fund for that refund.

19. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

20. What groups have a stake in this? Have they seen this, and if so, what do they think?

Applicants for supervision, licensure, and licensure renewal have a stake in this language. The language will be reviewed during the thirty (30) day comment period during the publication of the amendment in the Missouri Register.

21. Is there a deadline? If so, when and why then?

There is no deadline.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK
<u>Licensure Technician II</u>	<u>2 minutes to draft refund request</u>
<u>Executive Director</u>	<u>1 minute to review & submit request for refur</u>

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	5	\$2.20
Photo	\$7.50	0	\$0.00
Other Application Fee	\$100.00	1	\$100.00
Other Registration of Supervision Fee	\$125.00	2	\$250.00
Other Renewal Fee	\$225.00	1	\$225.00
Total			\$577.20

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
 Biennially
 Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

The state committee reviewed the number of applications for supervision, licensure, and licensure renewal in 2008, 2009, and 2010 and estimated the number of potential requests for a refund.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

The state committee considered circumstances that a refund of an application or renewal fee would be appropriate, based upon past experiences. There have been instances that a perspective licensee had to relocate to another state as a primary care giver to a family member. In another situation, an applicant for supervision was unable to accept a position providing marital and family therapy as the state committee was unable to convene due to a lack of a quorum. The applicant did not have a site or supervisor to obtain the required hours and months of supervised practice.

When there are circumstances beyond the control of the applicant, the state committee wants to be able to return the fee to that applicant or licensee. Since there has been no official review of the application, there have been no personnel or state committee costs incurred for duplicating, mailing, and reviewing the application materials.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The development of this proposed amendment is based upon state committee experience and licensees and small businesses will have an opportunity to review and comment on the language during the public comment period.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There are no monetary benefits. There will be minimal costs to process the request, along with a reduction in the state committee's fund for the amount of the refund.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

To comply with the regulation, a licensee or applicant must send a refund request to the state committee outlining the reason for the request. If approved, the fee will be refunded to the applicant or licensee and that is positive affect, not adverse.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

There are no costs to the licensee or applicant.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Applicants for licensure, supervision, and licensure renewal will benefit from the regulatory change because the state committee will have the authority to refund a fee for good cause.

20 CSR 2233-1.050 Name and Address Changes

PURPOSE: This rule outlines the requirements and procedures for notifying the state committee of name and address changes.

(1) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or a supervised[-]marital and family therapist [(S-MFT)] shall ensure the division has the current legal name and address of the [licensee] **licensed marital and family therapist, provisional licensed marital and family therapist**, or [S-MFT] **supervised marital and family therapist**.

(2) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or [S-MFT] **supervised marital and family therapist** whose name is changed by marriage or court order shall notify the division within thirty (30) days of the name change and provide a copy of the appropriate document verifying the name change.

(3) A licensed marital and family therapist, **provisional licensed marital and family therapist**, or [S-MFT] **supervised marital and family therapist** whose address has changed shall inform the division of the address changes by sending a letter to the state committee's office within thirty (30) days of the effective date of the change.

(4) Failure of a **licensed marital and family therapist** to receive the notice and application to renew a license shall not excuse the [licensee] **licensed marital and family therapist** from the requirement of section 337.712.2, RSMo Cum. Supp. 1997.

AUTHORITY: section 337.727.1(1) and (10), RSMo Supp. 1997.* This rule originally filed as 4 CSR 233-1.050. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-1.050, effective Aug. 28, 2006.

*Original authority: 337.727, RSMo 1995.

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-1.050 Name and Address Changes

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

22. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed and signed by the Governor July 7, 2010. The requirements for changing a name and/or address need to include provisional licensees.

23. What will the department be able to do with it that it can't do without it?

This license type needs to be added to the section in order for a provisional licensed marital and family therapist to be aware of the requirements to maintain a current address and change a name on the provisional license.

24. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (*statutory reference from HB 2226*).

25. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

26. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

27. What groups have a stake in this? Have they seen this, and if so, what do they think?

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support by the American Association for Marriage and Family Therapy.

28. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language. The reason there is no cost is because if the individual were not provisionally license, s/he would need to comply with the requirements of the regulation as a supervised marital and family therapist. The issuance of the provisional license does not mandate new or difference requirements.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

The requirements to change an address and/or name remain the same for a licensed marital and family therapist or supervised marital and family therapist. If the individual were not provisionally licensed, s/he would need to comply with the requirements of the regulation as a supervised marital and family therapist. The issuance of the provisional license does not mandate new or additional requirements.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The legislation was drafted by the Missouri Association for Marriage and Family Therapy and the state committee has worked with members of the board of directors of the association in developing the language. Association officers have been present at any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There are no monetary costs or benefits. The regulation adds provisional licensed marital and family therapist as a license type regarding changes in name and/or address.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Provisional licensed marital and family therapists are required to comply with the regulation when changing a name and/or address. There is no adverse affect.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

There are no direct or indirect costs, because the regulation adds provisional licensed marital and family therapist as a license type regarding changing the name and/or address.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Because provisional licensed marital and family therapist is added to the regulation, the provisional licensee is directly affected.

20 CSR 2233-2.020 Supervised Marital and Family Work Experience

PURPOSE: This rule defines the requirements for obtaining supervised experience in marital and family therapy for licensure as a marital and family therapist.

(1) The phrase supervised clinical experience as used in section 337.715.1(2), RSMo shall mean post-degree training in the practice of marital and family therapy as defined in section 337.700(7), RSMo beginning after the satisfactory completion of the educational requirements set forth in 20 CSR 2233-2.010 and obtained under the supervision of an acceptable supervisor as defined in 20 CSR 2233-2.021.

(2) Supervision shall be registered on a form provided by the state committee and accompanied by the required fee, and include a background check as defined in 20 CSR 2233-2.020(2)(A). Supervised experience in marital and family therapy shall be considered effective the date the application **and fee** is received in the state committee office and contingent upon the state committee's approval. For the purpose of supervision, the results of a background check shall be valid for two (2) years.

(A) For the purpose of conducting a background check the applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and Federal Bureau of Investigation criminal background check. Proof shall consist of any documentation acceptable to the state committee. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);

(B) A **provisional licensed marital and family therapist (PLMFT) or supervised-marital and family therapist (S-MFT)** shall notify the division within fifteen (15) days of changing supervisors or settings by filing a change of supervision form and paying the fee as defined in 20 CSR 2233-1.040(1)(J). The change of supervision shall be effective the date the change of supervision form is received in the state committee office and contingent upon the state committee's approval.

(3) An application for supervised marital and family therapy experience or a change in the supervisory experience shall be reviewed and approved by the state committee and the applicant shall be informed, in writing, of the state committee's decision.

(A) A provisional license issued to an applicant with a master's degree in compliance with 20 CSR 2233-2.010 shall be valid for at least two (2) years from the date of issuance and shall be deemed valid until the expiration date of the license or upon termination of supervision, whichever occurs first. Upon request, the state committee may extend a provisional license for good cause at the discretion of the state committee. A written request, outlining the reason(s) for the extension, shall be submitted to the state committee prior to the expiration date of the provisional license.

(4) Applicants for supervised experience in marital and family therapy whose graduate training began prior to January 1, 1981, shall complete all educational requirements as defined in 20 CSR 2233-2.010(3) and shall apply for supervision by August 31, 2007.

(A) For the purpose of this rule, if an applicant for supervision is deficient in three (3) semester hours or five (5) quarter hours in the area of human development and family studies, supervised experience in marital and family therapy may be approved by the state committee and begin prior to the completion of the required course work.

(5) Applicants for supervised experience in marital and family therapy whose graduate training began after January 1, 1981, and before August 31, 2000, shall complete all educational requirements as defined in 20 CSR 2233-2.010(4) and shall apply for supervision by August 31, 2007.

(A) For the purpose of this rule, if an applicant for supervision is deficient three (3) semester hours or five (5) quarter hours in the area of human development and family studies; and/or

(B) If the applicant for supervised experience in marital and family therapy is deficient three (3) semester hours or five (5) quarter hours in the area of research methodology, supervised experience in marital and family therapy may be approved by the state committee and may begin prior to the completion of the required course work.

(6) Applicants for supervised experience in marital and family therapy whose graduate training began after August 31, 2000, shall complete all education requirements as defined in 20 CSR 2233-2.010(5).

(A) For the purpose of this rule, if an applicant for supervision is deficient three (3) semester hours or five (5) quarter hours in the area of human development and family studies; and/or

(B) If the applicant for supervision is deficient three (3) semester hours or five (5) quarter hours in the area of research methodology; and/or

(C) If the applicant for supervision is deficient three (3) semester hours or five (5) quarter hours of practicum, supervision may be approved by the state committee and may begin prior to the completion of all required course work.

(7) A supervisor shall not be a relative of the applicant. For the purpose of this rule a relative shall be defined as a parent, spouse, child, sibling of the whole or half blood, grandparent, grandchild, aunt, uncle or cousin of the applicant, or one who is or has been related by marriage.

(8) A supervisor shall be licensed as marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist in Missouri for supervised experience in this state to be considered for licensure. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement.

(9) The characteristics of acceptable supervision shall include in no more than sixty (60) calendar months:

(A) A minimum of three thousand (3,000) hours of supervised experience in marital and family therapy; and

(B) A minimum fifteen hundred (1,500) hours of the three thousand (3,000) hours of supervised experience in marital and family therapy shall be direct client contact.

1. For the purpose of these rules, direct client contact shall be defined as face-to-face interaction between the client and **PLMFT or S-MFT** in the same room; and

(C) A minimum of twenty-four (24) calendar months of supervised experience. The **PLMFT or S-MFT** must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with 20 CSR 2233-2.020(1), (2), (4) or (5) or (6), (7) and (8); and

(D) A minimum of two (2) hours every two (2) weeks of individual face-to-face supervision with the registered supervisor.

1. At least half of the supervision shall be individual face-to-face supervision which may consist of no more than two (2) **PLMFTs or S-MFTs** meeting with the registered supervisor.

2. The remaining supervision may be group supervision. For the purpose of this rule, group supervision may consist of at least three (3) and no more than six (6) **PLMFTs or S-MFTs**.

3. The **PLMFT or S-MFT** must complete a minimum of two hundred (200) hours of supervision, at least half of which one hundred (100) hours must be in individual face-to-face supervision.

4. The use of electronic communication is not acceptable for meeting supervision requirements of this rule unless the communication is verbally and visually interactive between the supervisor and **PLMFT or S-MFT**; and

(E) The services provided by a[n] **PLMFT or S-MFT** shall be performed under the registered supervisor's full order, control, oversight and guidance. The **PLMFT or S-MFT** shall remain under the supervision until licensed as a marital and family therapist.

1. A[n] **PLMFT or S-MFT** shall not engage in independent, private practice and shall not offer therapy from any office that is not affiliated with a mental health group, practice, mental health agency, mental health clinic, school or hospital.

2. A[n] **PLMFT or S-MFT** shall not engage in marketing or advertising services without including the name and license number of the registered supervisor.

3. A[n] **PLMFT or S-MFT** shall not bill clients for therapeutic services. Billing and remuneration for marital and family therapy provided by the **PLMFT or S-MFT** shall be facilitated by the organization employing or affiliated with the **PLMFT, S-MFT**, or the registered supervisor.

4. A person in compliance with section 337.700(9) RSMo shall use one (1) of the following terms while under supervision for licensure: PLMFT, or provisional licensed marital and family therapist.

[4]5. A [therapist] **person** shall use one (1) of the following terms while under supervision for licensure **and not provisionally licensed**: S-MFT, or supervised marital and family therapist.

[5]6. The registered supervisor shall read and cosign all written reports, to include their license number, including treatment plans and progress notes prepared by the **PLMFT or S-MFT**. If the setting prohibits the cosign/signing of reports, it shall be the responsibility of the **PLMFT or S-MFT** to document that written reports, to include treatment plans and progress notes, have been reviewed by the registered supervisor; and

(F) Effective August 28, 2008 a[n] **PLMFT or S-MFT** shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience. 20 CSR 2233-2.020(9)(F) shall not apply to individuals with an application for supervision or licensure filed with the state committee prior to August 28, 2008.

(10) The supervisor and [applicant] **PLMFT or S-MFT** shall be employed by or affiliated by contract with the same professional setting and the professional setting shall not include private practice in which the **PLMFT or S-MFT** operates, manages or has an ownership interest in the private practice.

(11) During the period of supervised experience in marital and family therapy, the **PLMFT or S-MFT** shall inform the client that the **PLMFT or S-MFT** is under supervision for licensure, along with the name and address and license number of the registered supervisor.

(12) Within two (2) months of completing supervision as defined in this rule, the **PLMFT or S-MFT** shall submit an application for licensure. Any **PLMFT or S-MFT** who does not apply for licensure within that period of time shall be prohibited from providing services pursuant to section 337.700(7), RSMo.

(13) For individuals applying for supervised experience in marital and family therapy on the basis of a doctoral or specialist's degree **in marriage and family therapy or a mental health discipline as defined in 20 CSR 2233-2.010(1) (A) or (B) or based upon thirty (30) graduate hours of post master's course work in marital and family therapy or a mental health discipline as defined in 20 CSR 2233-2.010(1) (A) or (B)**, additional supervised experience in marital and family therapy shall include in no more than twenty-four (24) calendar months:

(A) At least fifteen hundred (1,500) hours of supervised experience in marital and family therapy; and

(B) At least seven hundred fifty (750) hours of supervised experience in marital and family therapy shall be direct client contact in which the applicant for supervision shall engage in the practice of marital and family therapy as defined in section 337.700(7), RSMo; and

(C) A minimum of twelve (12) calendar months of supervised experience. The **PLMFT or S-MFT** must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with 20 CSR 2233-2.020(10), (11), and (12); and

(D) The **state** committee may grant credit for up to twelve (12) months and fifteen hundred (1,500) hours of supervised clinical experience as part of the specialist's or doctoral [*program*] **degree or thirty (30) post master's graduate hours of study in marital and family therapy or a mental health discipline as defined in 20 CSR 2233-2.010(1) (A) or (B)**. In order to complete the requirement, the applicant shall obtain supervised experience in marital and family therapy pursuant to 20 CSR 2233-2.020(13)(A).

(E) **A provisional license issued to an applicant with thirty (30) semester hours of post-degree graduate course work, specialist, or doctoral degree in compliance with 20 CSR 2095-2.010 shall be valid for at least one (1) year from the date of issuance and shall be deemed valid until the expiration date or termination of supervision, whichever occurs first. Upon request, the state committee may extend a provisional license for good cause at the discretion of the state committee. A written request, outlining the reason(s) for the extension, shall be submitted to the state committee prior to the expiration of the provisional license.**

(14) Effective August 28, 2008 a[n] **PLMFT or S-MFT** shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience. 20 CSR 2233-2.020(9)(F) shall not apply to individuals with an application for supervision or licensure filed with the state committee prior to August 28, 2008.

(15) Applicants with supervised experience in marital and family therapy completed before August 28, 1995, may submit supervised experience in marital and family therapy for review and approval on a form pursuant to 20 CSR 2233-2.020. Verification of supervision shall include an attestation form signed by the supervisor.

(A) If a supervisor is deceased or cannot be located by the applicant, the applicant shall provide documentation verifying supervised hours and time providing marital and family therapy. **Approval of the supervised experience shall be at the discretion of the state committee.**

AUTHORITY: section 337.715, RSMo Supp. 2007 and section 337.727, RSMo 2000. This rule originally filed as 4 CSR 233-2.020. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008.*

**Original authority: 337.715, RSMo 1995, amended 2004, 2007 and 337.727, RSMo 1995.*

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-2.020 Supervised Marital and Family Work Experience

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

29. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license for marital and family therapists meeting specific statutory and regulatory requirements.

Prior to the passage of HB 2226, a marital and family therapist receiving supervision for licensure was defined within this regulation as a supervised marital and family therapist or S-MFT. With the addition of the provisional license while obtaining supervision, the term provisional licensed marital and family therapist(s), and PLMFT(s) is added throughout the regulation.

2.020(3) (A) and (13) (E) is amended adding language authorizing an expiration date of the provisional license. A provisional licensed marital and family therapist with a master's degree in compliance with 20 CSR 2233-2.010(1)(A) or (B) would be eligible for a provisional license valid for two (2) years as the regulation requires at least twenty-four (24) months of supervised experienced. An provisional licensed marital and family therapist with a doctoral or specialist's degree or thirty (30) post master's hours of graduate study in marital and family therapy or a mental health discipline as defined by 20 CSR 2233-2.010(1) (A) or (B) would be eligible for a one (1) year provisional license, as the regulation requires at least twelve (12) months supervised experience.

20 CSR 2233-2.020(9) (E) 4 is amended to define the terms to be used by a provisional licensee when using the credential. The section is renumbered with 2.020(9) (E) 5 to define acceptable terms to be used by a therapist under supervision for licensure that is not provisionally licensed.

The inclusion of language authorizing an expiration date is based upon prior experience by the Committee for Professional Counselors. Over a period of approximately two (2) years issuing provisional licenses, the Committee for Professional Counselors discovered that an expiration date on a provisional license serves as reminder to the supervisor and licensee to keep all information regarding the provisional credential such as work address, supervisor name, and license up to date. Additionally, the expiration date reminds the provisional licensee of minimum timeframe to complete the supervised experience hours and to file an application for permanent licensure in a timely manner. Finally, an expiration date eliminates the impression of a client or perspective employer that the credential is valid for an unlimited amount of time.

30. What will the department be able to do with it that it can't do without it?

Section 337.700(9) (*statutory reference from HB 2226*) establishes a provisional license and the ability to amend the regulation adding the acceptable title and terms and timeframe for the provisional license.

31. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (statutory reference from HB 2226).

32. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

33. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

34. What groups have a stake in this? Have they seen this, and if so, what do they think?

Therapists eligible for provisional licensure have a stake in this regulation.

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support by the American Association for Marriage and Family Therapy.

35. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity "Qty" column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity "Qty" column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

Because a provisional licensed marital and family therapist is also a supervised marital and family therapist, the state committee determined that no additional application or corresponding fee would be needed. Instead, the application for supervision, previously submitted and approved by the state committee for supervision, will be used to qualify a therapist for provisional licensure, upon receipt of the passing score on the national examination.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The legislation was drafted by the Missouri Association for Marriage and Family Therapy and the state committee has worked with members of the board of directors of the association in developing the language. Association officers have received a copy of the draft language prior to a conference call meeting and have been present on any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division because there is no additional application or corresponding required. The regulation adds provisional licensed marital and family therapist as a license type regarding supervised experience.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Provisional licensed marital and family therapists must comply with the regulation. Because the statute allows a license to be issued based upon compliance with the educational and examination requirements, there is no adverse affect. Instead the language adds the provisional license credential throughout the regulation.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

There are no direct or indirect costs, because the regulation adds provisional licensed marital and family therapist as a license type regarding supervised experience.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Because provisional licensed marital and family therapists are added to the regulation, the provisional licensee is directly affected.

The inclusion of language authorizing an expiration date is based upon prior experience by the Committee for Professional Counselors. Over a period of approximately two (2) years issuing provisional licenses, the Committee for Professional Counselors discovered that an expiration date on a provisional license serves as a reminder of the minimum time frame allowed to complete the supervision requirements and eliminates the impression of a client or perspective employer that the credential is valid for an unlimited amount of time.

20 CSR 2233-2.021 Registered Supervisors and Supervisory Responsibilities

PURPOSE: This rule outlines the requirements for individuals to supervise a marital and family therapist seeking supervision for licensure.

[(1) In order to provide supervision for a supervised-marital and family therapist (S-MFT), a supervisor shall document the following:

(A) A graduate degree in a mental health discipline from a regionally accredited institution acceptable to the United States Department of Education; and

(B) Five (5) years clinical experience in providing marital and family therapy as defined in section 337.700(7), RSMo; and

(C) For supervision occurring in Missouri the supervisor must be currently licensed in Missouri as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist for at least two (2) years. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement; and

(D) Applicants for licensure or supervision may submit current or past postgraduate supervised experience from another state for consideration by the state committee. The supervisor must be licensed in the state and during the time of supervision in the state where supervised experience occurred as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement; and

(E) When considering supervision from another state, the state committee shall determine whether the requirements for supervisors in that state are substantially the same as those of Missouri. If the state committee determines the requirements are not substantially the same, the supervisor from another state shall document credentials pursuant to 20 CSR 2233-2.021(1)(A), (B), (D), (2)(A) and (3)(E).

(2) A supervisor in Missouri completing a graduate degree before January 1, 1990, shall comply with 20 CSR 2233-2.021(1)(A)–(C) and shall document training and experience in marital and family therapy and in supervisory activities involving marital and family therapy with a resume or vitae detailing course work, workshops, supervision-of-supervision and supervisory experience in marital and family therapy supervision.

(A) A supervisor from another state completing a graduate degree before January 1, 1990, shall document training and experience in marital and family therapy and in supervisory activities involving marital and family therapy with a resume or vitae detailing course work, workshops, supervision-of-supervision and supervisory experience in marital and family therapy supervision.

(3) A supervisor in Missouri completing a graduate degree after January 1, 1990, shall comply with 20 CSR 2233-2.021(1)(A)–(C) and shall document the following:

(A) A three (3)-semester hour or five (5)-quarter hour graduate course in marriage and family therapy supervision or a comparably organized and integrated series of workshops and supervised studies of marital and family therapy supervision; and

(B) Documentation of at least thirty (30) hours of supervision-of-supervision and/or in the process of receiving supervision-of-supervision; and

(C) The supervisor of an S-MFT shall have completed 20 CSR 2233-2.021(3)(A) prior to completing thirty (30) hours of supervision-of-supervision; and

(D) The supervisor of an S-MFT shall have completed the educational requirements defined in 20 CSR 2233-2.010(3) or (4); and

(E) A supervisor from another state completing a graduate degree after January 1, 1990, whose supervisor requirements are not substantially the same as those of Missouri shall comply with 20 CSR 2233-2.021(1)(A)–(C) along with documenting the following:

- 1. A three (3) semester hour or five (5) quarter hour graduate course in marriage and family therapy supervision or a comparably organized and integrated series of workshops and supervised studies of marital and family therapy supervision; and*
- 2. Documentation of at least thirty (30) hours of supervision-of-supervision and/or in the process of receiving supervision-of-supervision; and*
- 3. The supervisor of an S-MFT shall have completed 20 CSR 2233-2.021(3)(A) prior to completing thirty (30) hours of supervision-of-supervision; and*
- 4. The supervisor of an S-MFT shall have completed the educational requirements defined in 20 CSR 2233-2.010(3) or (4).*

(4) An individual with a state-issued professional license which has been subject to probation, suspension or revocation may be prohibited from providing supervision for an S-MFT.

(5) The supervisor and/or applicant for supervision shall have the burden of demonstrating that the supervisor has the required education and experience outlined within this rule.]

(1) In order to provide supervision for a provisional licensed marital and family therapist (PLMFT) or supervised-marital and family therapist (S-MFT), a supervisor shall document the following:

(A) A graduate degree in a mental health discipline from a regionally accredited institution acceptable to the United States Department of Education; and

(B) Five (5) years clinical experience in providing marital and family therapy as defined in section 337.700(7), RSMo; and

(C) For supervision occurring in Missouri the supervisor shall document the following;

1. Currently licensed in Missouri or another state as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist for at least two (2) years. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement; and

2. Designation as an approved supervisor by the American Association for Marriage and Family Therapy; or

3. A minimum of two hundred hours (200) of clinical supervision of individuals seeking licensure as a professional counselor pursuant to section 337.500 to 337.540 RSMo, psychologist pursuant to 337.010 to 337.090 RSMo, clinical social worker pursuant to 337.600 to 337.689 RSMo, or graduate practicum or internship student enrolled in master's, specialist, or doctoral degree program in compliance with section 337.510.1(1) RSMo (professional counselor), section 337.021.1 RSMo (psychologist), or section 337.615.1 RSMo (social worker));

a. A minimum of one hundred (100) hours of the two hundred (200) hours of supervised experience shall be supervising individuals within the context of systems theory and marriage and family therapy.

4. One graduate semester hour in marriage and family supervision or fifteen continuing education hours in a comparably organized and integrated series of workshops and supervised studies of marital family therapy supervision; and

5. A minimum of twenty (20) hours of supervision-of-supervision and/or in the process of receiving supervision-of-supervision. For the purpose of this regulation, the major emphasis of supervision of supervision shall be the development of the licensee's supervisory skills from a

systemic perspective and shall include theories of supervision, supervision practice, and professional ethics.

(2) An individual with a state-issued professional license that has been subject to probation, suspension or revocation may be prohibited from providing supervision for an S-MFT or PLMFT.

(3) The supervisor and/or applicant for supervision shall have the burden of demonstrating that the supervisor has the required education and experience outlined within this regulation.

AUTHORITY: section 337.715, RSMo Supp. 2007 and section 337.727, RSMo 2000. This rule originally filed as 4 CSR 233-2.021. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.021, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008.*

**Original authority: 337.706, RSMo 1995, amended 2004 and 337.727, RSMo 1995.*

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-2.021 Registered Supervisor and Supervisory Responsibilities

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

36. Why is it needed?

During the 2010 legislative session, HB 2226 was passed by the legislature and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license for marital and family therapists and this license type needs to be added to this section.

The required education and practicum/internship included in the master's, specialist or doctoral degree is only one component in training a perspective licensee. The post master's supervised experience combines the formal education component with the practical application of systems theory and techniques in providing marital and family therapy. The application of knowledge in a therapeutic setting is closely supervised by licensees meeting experience, education, and training in providing marital and family therapy and in supervising students, interns, licensed marital and family therapists, and allied mental health professionals that provide marital and family therapy.

The current language establishes two tiers of credentials required for licensure supervisors. Tier 1 is based upon completing a master's degree prior to January 1, 1990 and requires the potential licensure supervisor to document supervision of individuals providing marital and family therapy and receiving supervision for overseeing the marital and family therapy provided by other individuals.

Tier 2 is based upon completing a master's degree after January 1, 1990 and along with the requirements of Tier 1, the level of credentialing requires either a graduate course in supervision or an organized course of study comprised of seminars and workshops focusing on supervision of marital and family therapists. Finally, Tier 2 mandates the course of study be completed before the licensure supervisor receives oversight for supervising marital and family therapy provided by other individuals.

In the past ten years, the state committee has approved approximately ninety licensees as marital and family therapist licensure supervisors and worked with individuals seeking the training and/or experience to become supervisors. During the course of this time, the state committee has noticed no difference in the quality of supervision provided to perspective licensees based upon the tiered system. Additionally, to encourage more licensed marital and family therapists obtain the training and experience in supervising perspective licensees, the state committee developed the amended language.

37. What will the department be able to do with it that it can't do without it?

Section 337.700(9) (*statutory reference from HB 2226*) authorizes the issuance of a provisional license. The supervisor credentials are changed acknowledging the education and training licensees have

already received and allowing the perspective licensure supervisor the option to obtain national certification in supervision that is recognized by the state committee or pursue complete the requirements for Missouri licensure supervisors.

38. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (*statutory reference from HB 2226*).

39. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

40. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

41. What groups have a stake in this? Have they seen this, and if so, what do they think?

Supervised marital and family therapists eligible for provisional licensure and supervisors of provisional licensees are stakeholders in this language.

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support by the American Association for Marriage and Family Therapy.

42. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity "Qty" column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity "Qty" column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost to prospective provisional licensees or supervisors of provisional licensees.

The state committee maintains the required course of study relating to licensure supervision is a cost applicable when complying with the continuing educational requirement of 20 CSR 2233-2.050(5). Any additional training a perspective licensure supervisor may obtain is considered by the state committee to be in compliance and applicable to the continuing education requirement. The cost of implementing the continuing education requirements was published in the Missouri Register December 17, 2007, Volume 32, Number 24.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

In the past ten years, the state committee has approved approximately ninety licensees as marital and family therapist licensure supervisors and worked with individuals seeking the training and/or experience to become supervisors. During the course of this time, the state committee has noticed no difference in the quality of supervision provided to perspective licensees based upon the tiered system. Additionally, to encourage more licensed marital and family therapists obtain the training and experience in supervising perspective licensees, the state committee developed the amended language.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The state committee has worked with members of the board of directors of the Missouri Association for Marriage and Family Therapy in developing the language. On September 17, 2010 the state committee's executive director met with the board of directors to discuss a draft of the regulation. The amended language was then shared with association members and licensees for additional input.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division and no additional fee.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Licensees wanting to provide licensure supervision will be required to comply with the regulation. However, the language is amended to allow licensees a choice on obtaining education and training in the supervision of supervised marital and family therapists and provisional licensed marital and family therapists.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

The course of study a perspective licensure supervisor may obtain is a cost already incurred by a licensee in complying with the continuing educational requirement of 20 CSR 2233-2.050(5). The cost of implementing the continuing education requirements was published in the Missouri Register December 17, 2007, Volume 32, Number 24. Any additional training a potential supervisor may obtain is considered by the state committee to be in compliance and applicable to the continuing education requirement.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Any licensed marital and family therapist, licensed professional counselor, licensed psychologist, licensed clinical social worker, or psychiatrist wanting to provide licensure supervision must comply with the regulation. There is a benefit to perspective supervisors as they will have a choice on methods to comply with the supervisor education and training requirements.

20 CSR 2233-2.030 Application for Licensure

PURPOSE: This rule outlines the procedure for application for licensure as a **licensed** marital and family therapist[s].

(1) [*Applications for licensure*] A **licensed marital and family therapist application** shall be made on the forms provided by the state committee and may be obtained by writing the state committee at PO Box 1335, Jefferson City, MO 65102 or by calling (573)751-0870. The TDD number is (800)735-2966 **or obtaining the application from the state committee's web site.**

(2) An application shall not be considered as officially filed unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the state committee to include a background check, and the applicant pays the **required** application fee **pursuant to 20 CSR 2233-1.040(1)(A)**. The application fee shall be in the form of a cashier's check, personal check or money order. For the purpose of licensure the results of a criminal background check shall be valid for two (2) years.

(A) For the purpose of conducting a background check the applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and Federal Bureau of Investigation criminal background check. Proof shall consist of any documentation acceptable to the state committee. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).

(3) The completed application, including all documents, supporting material, **examination results**, and official transcripts sent by the school [*and required by the division*], shall be received at least thirty (30) days before the meeting of the State Committee of Marital and Family Therapists. Applications received less than thirty (30) days before a state committee meeting may be reviewed at the state committee's discretion.

(4) Following review, the applicant shall be informed in writing of the decision regarding the application for licensure.

(5) Communication, such as a letter of intent to apply for licensure pursuant to section 337.706.1, RSMo Cum. Supp. 1997, shall have been postmarked no later than February 28, 1996. To complete the application process for licensure pursuant to section 337.706.1, RSMo Cum. Supp. 1997, the following information shall be submitted to the state committee within one (1) year of the effective date of this rule following the receipt of the letter of intent postmarked by February 28, 1996.

(A) The applicant shall provide proof of verification of licensure as a marriage and family therapist from another state.

(6) An applicant with a license to engage in the practice of marital and family therapy in another state or territory as defined in section 337.715.2, RSMo Cum. Supp. 1997, may apply for licensure in Missouri upon submitting acceptable evidence of his/her qualifications to the division.

(A) An application for licensure shall be reviewed by the state committee and the applicant shall be informed, in writing, of the state committee's decision.

(7) For the purpose of this rule, "acceptable evidence" shall include, but not be limited to, a completed application for licensure on forms provided by the [*division*] **state committee**, documentation of licensure which shall contain information concerning the requirements for licensure, the method of licensing including examination results, date of original licensure, current status of the applicant's license and payment of the applicable fee.

(8) Applicants for licensure from states without marital and family therapy laws or states with marital and family therapy laws which are not substantially equivalent to Missouri's requirements may qualify for licensure pursuant to section 337.715.1, RSMo Cum. Supp. 1997.

AUTHORITY: section 337.706.2, RSMo Supp. 2007 and sections 337.727.1(6) and (10), RSMo 2000. This rule originally filed as 4 CSR 233-2.030. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-2.030, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008.*

**Original authority: 337.715, RSMo 1995, amended 2004, 2007 and 337.727, RSMo 1995.*

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-2.030 Application for Licensure

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

43. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license. With this additional license type, the regulation is amended to distinguish and clarify an application for licensure and an application for supervision.

44. What will the department be able to do with it that it can't do without it?

See response to question one.

45. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (*statutory reference from HB 2226*).

46. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

47. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

48. What groups have a stake in this? Have they seen this, and if so, what do they think?

Applicants for licensure as a marital and family therapists and provisional licensed marital and family therapists have a stake in this language.

49. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
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License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
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Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
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Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

The current language was drafted prior to the addition of the provisional license. The regulation has the potential to be confusing to supervised marital and family therapists seeking provisional licensure as the current language appears to apply to any application for licensure.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The legislation was drafted by the Missouri Association for Marriage and Family Therapy and the state committee has worked with members of the board of directors of the association in developing the language. Association officers have received a copy of the draft language prior to a conference call meeting and have been present on any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division because there is no additional application or corresponding fee required.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Individuals seeking licensure as a marital and family therapist already comply with the regulation. Language has been added to clarify that the regulation does not apply to supervised marital and family therapists seeking provisional licensure.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

The regulation does not have a compliance element. Language has been added to clarify that the regulation does not apply to supervised marital and family therapists seeking provisional licensure.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Individuals seeking licensure as a marital and family therapist already comply with the regulation. Supervised marital and family therapists seeking provisional licensure directly benefit from the proposed language because the amendment clarifies requirements are applicable to individuals seeking licensure as marital and family therapists and not provisional licensure.

20 CSR 2233-2.050 Renewal of License

PURPOSE: This rule provides information to **licensed** marital and family therapists [licensed in Missouri] regarding [annual] renewal of that license.

(1) [A license may be renewed] **A licensed marital and family therapist shall renew the license** on or before the expiration of the license by submitting the [signed] renewal notice and fee to the division as set forth in 20 CSR 2233-1.040(1)(D).

(A) Renewal fees postmarked after the expiration date of the license shall be subject to a late fee as defined in 20 CSR 2233-1.040(1)(D)1. or 2., in addition to paying the renewal fee.

(2) Failure to receive the notice and application to renew [his/her] **the license** shall not excuse the [licensee] **licensed marital and family therapist** from the requirement of section 337.712.2, RSMo Supp. 1997, to renew that license.

(3) Any [licensee] **licensed marital and family therapist** [who fails] **failing** to renew the license shall not practice marital and family therapy as defined in section 337.700(7), RSMo Supp. 1997.

(4) Any [individual] **licensed marital and family therapist** failing to renew the license within the sixty (60)-day period set forth in section 337.712.2, RSMo and wishing to restore the license shall make application to the division **or state committee** by submitting an application for reinstatement of license and the delinquency fee as set forth in 20 CSR 2233-1.040(1)(D)1. or 2. and shall document compliance with the continuing education requirements of this regulation.

(5) Effective August 28, 2008 a [licensee] **licensed marital and family therapist** shall obtain forty (40) contact hours of continuing education (CE) prior to the expiration date of a license and such hours should consist of at least twenty (20) hours of formal continuing education hours with the balance of hours to be self-study. For the purpose of this regulation a contact hour shall consist of fifty (50) minutes.

(A) Formal continuing education shall consist of one (1) or a combination of any of the following:

1. Postgraduate course work offered by a regionally accredited educational institution. Such course work shall be relevant to marital and family therapy as defined in section 337.700(7) and (8), RSMo and shall not be part of the graduate course work required for licensure. One (1) semester hour of graduate credit constitutes fifteen (15) hours of continuing education.

2. Presenting research at a formal professional meeting. A presentation shall include a paper presented in a professional journal, book, or original chapter in an edited book. Credit will be given at the rate four (4) hours for each paper or presentation. No credit would be granted for any subsequent presentation on the same subject matter during the same renewal period;

3. Attending relevant professional meetings when such meetings include verification of attendance. Such meetings can be international, national, regional, state, or local, and must be related to the profession. The licensee shall be eligible to receive three (3) hours of continuing education credit for a full day of meeting attendance.

4. Attending work shops, seminars, or continuing education courses relevant to marital and family therapy as defined in section 337.700(7) and (8), RSMo. Upon request by the state committee the licensee shall provide verification of attendance such as a certificate or letter of attendance indicating the date, time, and number of hours of continuing education from the workshop, seminar or course provider.

5. Written contributions to relevant professional books, journals, or periodicals. A licensee shall be eligible to receive three (3) hours of continuing education for publication in a nonreferee journal, six (6) hours of continuing education for publication in a referee journal, eight (8) continuing education hours

for each chapter in a book, ten (10) continuing education hours for editing a book, and fifteen (15) continuing education hours for the publication of a book.

6. Presenting at relevant professional meetings such as international, national, regional, state, or local professional associations. A licensee would be eligible for a maximum of three (3) hours per presentation.

7. A [*licensee*] **licensed marital and family therapist** who is a faculty member at an accredited educational institution may receive up to a maximum of twenty (20) hours per year of continuing education credit for teaching at the educational institution. The area(s) taught by the licensee must relate to the following core areas: Theoretical Foundations of Marriage and Family Therapy, The Practice of Marriage and Family Therapy, Human Development and Family Studies, Ethics and Professional Studies, and Research Methodology. For the purpose of this regulation, the licensee must teach a minimum of four (4) clock hours.

8. A [*licensee*] **licensed marital and family therapist** teaching formal continuing education hours may receive up to a maximum of four (4) hours per biennial cycle of continuing education credit. The CE must relate to the following core areas: Theoretical Foundations of Marriage and Family Therapy, The Practice of Marriage and Family Therapy, Human Development and Family Studies, Ethics and Professional Studies, and Research Methodology. For the purpose of this regulation the licensee must teach a minimum of four (4) clock hours.

(B) A [*licensee*] **licensed marital and family therapist** may obtain up to twenty (20) hours of self-study continuing education. Self-study of professional material includes relevant books, journals, periodicals, tapes, and other materials and preparation for relevant lectures and talks to public groups. Preparation credit may not be claimed pursuant to this regulation for presentations that are used for CE in the aforementioned paragraphs 1., 2., 6., 7., or 8.

(6) Providing marital and family therapy, workshops on personal growth, supervision of individuals for licensure or employment, or services provided to professional associations or organizations will not be considered for continuing education contact hours.

(7) Included, but not limited to the following, is a list of approved continuing education providers:

(A) American Association for Marriage and Family Therapy (AAMFT) and any chapter or division of AAMFT;

(B) American Counseling Association (ACA) and any chapter or division of ACA;

(C) American Medical Association (AMA) and any chapter or division of AMA;

(D) American Mental Health Counselors Association (AMHCA) and any chapter or division of AMHCA;

(E) Local, state, regional, or national psychological associations;

(F) Local, state, regional, or national social worker associations;

(G) National Board for Certified Counselors (NBCC); and

(H) Regionally accredited colleges and universities.

(8) For the license renewal the [*licensee*] **licensed marital and family therapist** shall verify the number of CE hours earned during the last two (2) years immediately preceding the expiration date of the license on a form provided by the state committee. The [*licensee*] **licensed marital and family therapist** shall not submit the actual record of CE attendance to the state committee except in the case of a continuing education audit or when requested by the state committee.

(9) Each [*licensee*] **licensed marital and family therapist** shall maintain a complete record of all CE hours earned for four (4) years. Formal CE credit hours shall be documented by the sponsor or CE provider and maintained by the licensee. The licensee is responsible for maintaining the record of formal self-study CE hours earned and such documentation shall contain, at a minimum, the number of hours earned and these hours shall be separated in the various categories defined in subsection (5)(A) of this regulation. The state committee may conduct an audit of [*licensees*] **the documentation** to verify compliance with the continuing education requirement. [*Licensees*] **A licensed marital and family therapist** shall assist the state committee in its audit by providing timely and complete responses to the state committee's inquiries. A response is considered timely if received in the committee office within thirty (30) days of a written request by the state committee for such information.

(10) A [*licensee*] **licensed marital and family therapist** who cannot complete the requisite number of CE hours because of personal illness, military service or other circumstances beyond the [*licensee's*] **licensed marital and family therapist's** control may apply to the state committee for an extension of time to complete the continuing education requirements or a waiver. Any extension of time to complete the continuing education requirements or waiver shall be granted solely in the discretion of the state committee. The [*licensee*] **licensed marital and family therapist** must make a written application for extension of time at least thirty (30) days before the expiration date of the license. The [*licensee*] **licensed marital and family therapist** shall provide full and complete written documentation of the grounds supporting the reasons for which an extension or waiver is sought.

AUTHORITY: sections 337.727.1(1) and (10), RSMo 2000. This rule originally filed as 4 CSR 233-2.050. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 15, 2007, effective May 30, 2008.*

**Original authority: 337.727.1(1) and (10), RSMo 1995.*

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-2.050 Renewal of License

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

50. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license. The amended language regarding the renewal of a license and corresponding continuing education is needed to clarify such requirements apply to licensed marital and family therapists and not to provisional licensed marital and family therapists.

51. What will the department be able to do with it that it can't do without it?

See response to question one.

52. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (*statutory reference from HB 2226*).

53. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

54. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

55. What groups have a stake in this? Have they seen this, and if so, what do they think?

Applicants for licensure as a marital and family therapist and provisional licensed marital and family therapists have a stake in this language. The language will be reviewed by licensees and licensure supervisors during the comment period of the regulation.

56. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity "Qty" column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity "Qty" column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

The current language has the potential to be confusing to provisional licensed marital and family therapists because the language currently references the term “license” only. It could be construed to mean provisional licensees or licensed marital and family therapists.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The legislation was drafted and supported by the Missouri Association for Marriage and Family Therapy and the state committee has worked with members of the board of directors of the association in developing the language. Association officers have been present on any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division because there is no additional application or corresponding fee required.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Individuals seeking licensure as a marital and family therapist already comply with the regulation. Language has been added to clarify that the regulation does not apply to provisional licensed marital and family therapists.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

The regulation does not have a compliance element. Language has been added to clarify that the regulation does not apply to provisional licensed marital and family therapists.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Individuals seeking licensure as a marital and family therapist already comply with the regulation. Provisional licensed marital and family therapists directly benefit from the proposed language because the amendment clarifies that the requirements are applicable to individuals seeking licensure as marital and family therapists and not provisional licensees.

20 CSR 2233-3.010 General Principles

PURPOSE: This rule provides the ethical principles governing the practice of marital and family therapists.

(1) The ethical standards (hereinafter standards) [for marital and family therapists] shall apply to the professional conduct of licensed marital and family therapists, supervisors, **provisional licensed marital and family therapists (PLMFTs)** supervised-marital and family therapists (S-MFTs) and applicants for licensure and supervision (hereinafter therapist or therapists). Professional practice includes, but is not limited to, the practice of marital and family therapy as defined in section 337.700(7), RSMo Cum. Supp. 1997, research, teaching and the supervision of students, supervisors, **PLMFTs** and S-MFTs. A violation of these standards constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of [either original] **an application for supervision, [licensure] licensed marital and family therapist, reinstatement or renewal of [a license] the licensed marital and family therapist or provisional licensed marital and family therapist credential.**

(2) Client or patient (hereinafter client) shall mean a person, group or any other recipient of marital and family therapy as defined in section 337.700(7), RSMo Cum. Supp. 1997 or the client's legal guardian. A corporate entity or other organization can be a client when the professional contract is to provide services that benefit the organization as well as the individual or group.

(3) The therapist shall limit the practice and the supervision of others to the areas in which competence has been gained through formal education, training derived through an organized and integrated sequence of study, and supervised professional experience in marital and family therapy. If important aspects of a client's issues fall outside the boundaries of the therapist's competency, the therapist shall assist the client in obtaining additional professional consultation. A licensed marital and family therapist shall not permit a[n] **PLMFT, S-MFT** or a supervisor receiving supervision to represent him/herself as capable of providing or to provide services that are beyond his/her level of training.

(4) The therapist shall maintain competency in the practice of marital and family therapy through continuing education, consultation, training, or any combination of these, in conformance with current standards of scientific and professional knowledge relative to the field of marital and family therapy.

(5) When developing competency in a new service or technique, the marital and family therapist shall engage in ongoing consultation with other therapists or relevant professionals and shall seek appropriate education and/or training in the new area, service or technique. The therapist shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature; the known risks associated with the new service or technique and the client's right to freedom of choice concerning services received.

(6) The therapist shall make or recommend referral to other professional, technical or administrative resources when that referral is clearly in the best interest of the client. The well-being of the client shall be the primary consideration in the referral process. Referral for the purposes of financial gain shall be in violation of the ethical standards.

(7) The therapist providing marital and family therapy as defined in section 337.700(7), RSMo, shall maintain client records that include:

(A) The presenting issue(s); and

(B) Any evaluative results and any test data from which the results were derived; and

- (C) The date and description of each contact or service provided or pertaining to the client; and
- (D) The nature, type and goals of any interventions; and
- (E) The fee arrangement; and
- (F) A copy of evaluative reports or correspondence prepared as part of the client-therapist relationship; and
- (G) Notation and results of consultation with other providers; and
- (H) Notation of referrals given or recommended to the client; and
- (I) Informed consent as defined in 20 CSR 2233-3.020(1)(A)–(H).

(8) Within the limits of the law, a client’s records shall be maintained by the therapist for a period of not less than five (5) years after the last date of therapy.

(9) A therapist shall not undertake nor continue a client-therapist or supervisory relationship when the competency of the therapist is or could reasonably be expected to be impaired due to mental, emotional, physiologic, pharmacological or substance abuse conditions. If such condition develops after a client-therapist or supervisory relationship has been initiated, the therapist shall terminate the relationship by notifying the client, supervisor, **PLMFT**, or S-MFT in writing of the termination and providing references for obtaining services from another licensed mental health practitioner.

(10) The therapist shall not undertake or continue a client-therapist or supervisory relationship when the objectivity or competency of the therapist is or could reasonably be expected to be impaired because of the therapist’s present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client, marital and family therapist under supervision for licensure, or a person associated with or related to the client, **PLMFT**, or S-MFT.

(11) In interacting with any marital and family therapist under supervision for licensure, supervisor, student, current client or person to whom the therapist has provided therapy for the treatment or amelioration of emotional distress or behavioral inadequacy, the therapist shall not—

(A) Engage in sexual intercourse, which includes any genital contact of the therapist with the client or the client with the marital and family therapist. This specifically prohibits sexual intercourse, sodomy, oral, anal copulation, or both; or any penetration of the anal opening by any one (1) part or object; or

(B) Engage in kissing with the mouth, lips or tongue of the marital and family therapist with the client or the client with the marital and family therapist; or

(C) Touch or caress either the marital and family therapist or client of the other person’s breasts, genitals or buttocks; or

(D) Engage in any deliberate or repeated comments, gestures or physical contact of a sexual nature that exploits the professional relationship with the client; or

(E) Terminate a relationship with a client or student for the purpose, expressed or implied, of having a sexual relationship with that person; or

(F) Expose one’s self or encourage another to expose him/herself for the purpose of sexual gratification.

(12) The therapist shall not exploit, sexually or otherwise, the relationship with clients, **PLMFTs**, S-MFTs students, employees, research participants or others.

(13) Whenever therapy is terminated, the therapist shall provide alternative sources of treatment or assistance when indicated and shall not exploit clients by providing unnecessary therapy. The therapist shall terminate a client-therapist or supervisory relationship when it is reasonably clear that the client or supervised therapist is not benefiting from the relationship.

- (14) The therapist shall not impose on the client any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of therapy.
- (15) The therapist shall not request or induce any client to solicit business on behalf of the therapist.
- (16) In deciding whether to offer marital and family therapy to a person already receiving similar services elsewhere, the therapist shall carefully consider the treatment issues and the potential client's welfare. The therapist shall discuss these issues with the client to minimize the probable risks of confusion and conflict, and shall proceed with caution and sensitivity to the therapeutic issues.
- (17) A therapist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with all applicable laws.
- (18) When providing therapy as part of a team or when interacting with other appropriate professionals concerning the welfare of the client, the therapist may share confidential information about the client provided the therapist takes reasonable steps to assure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.
- (19) The therapist shall limit access to client records and shall assure that all persons working under his/her authority comply with the requirements for confidentiality of client records.
- (20) The therapist shall not mislead or withhold from any client, prospective client or third-party payer, information about the cost of his/her professional services.
- (21) The therapist shall not exploit a client or responsible payer by charging a fee that is excessive for the therapeutic services performed.
- (22) The primary obligation of the therapist employed by an institution, agency or school is to persons entitled to services through the institution, agency or school. A therapist shall not accept a private fee or any other form of remuneration from those persons unless the policies of a particular institution, agency or school make explicit provision for private work with its clients by members of its staff. In those instances, the client or guardian shall be fully apprised of available services and all applicable policies, prior to entering into a client-therapist relationship with the therapist.
- (23) The therapist shall use, administer and review assessment techniques competently and shall maintain current knowledge about research developments and revisions concerning the techniques that are used.

AUTHORITY: sections 337.727.1(6) and (10) and 337.730.2(15), RSMo 2000. This rule originally filed as 4 CSR 233-3.010. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-3.010, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008.*

**Original authority: 337.727, RSMo 1995 and 337.730, RSMo, 1995.*

REQUEST FOR RULEMAKING

Rule Number and Name: 20 CSR 2233-3.010 General Principles

Please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

57. Why is it needed?

During the 2010 regular legislative session, HB 2226 was passed by the legislature and signed by the Governor July 7, 2010. The legislation authorizes the issuance of a provisional license for marital and family therapists meeting specific statutory and regulatory requirements.

58. What will the department be able to do with it that it can't do without it?

Reference to this license type must be included in this section regarding ethical practices encompassed by the regulation and applicable to provisional licensed marital and family therapists. Additionally, provisional licensees must be aware that the requirements that are applicable to licensed marital and family therapists and supervised marital and family therapists apply to provisional licensed marital and family therapists.

59. Why now (e.g. to implement a new statute)?

The amended language corresponds to the change in section 337.700(9) (statutory reference from HB 2226).

60. How much will it cost, and who will have to pay?

There is no cost to the public or private entities.

61. If it imposes a fee, is there clear statutory authority for the fee? Is the fee required?

There is no fee imposed.

62. What groups have a stake in this? Have they seen this, and if so, what do they think?

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support from the American Association for Marriage and Family Therapy.

63. Is there a deadline? If so, when and why then?

The effective law date was August 28, 2010.

Public Entity/State Agency Fiscal Impact

Will this regulation have a fiscal impact for the board?

YES

NO

If yes, the following must be completed:

Personal Service Costs

This table lists employees, according to job classification, summarizes the task(s) associated with the regulation, and the estimated time it will take to complete the task(s). Please refer to the Guidelines for Rule Preparation to complete this section.

JOB TITLE	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH TASK

Expense and Equipment Costs

Below is a list of estimated expense and equipment costs most often associated with a regulation. Please check the applicable expense and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Packet	Cost	Quantity	Total
Correspondence Mailing	\$0.65	0	\$0.00
Application Mailing	\$7.35	0	\$0.00
License Printing and Postage	\$0.72	0	\$0.00
Wall Hanging Printing and Postage	\$2.56	0	\$0.00
Other (Please specify)			\$0.00
Other (Please specify)			\$0.00
Total			\$0.00

Private Entity Fiscal Impact

Will this regulation have a fiscal impact upon the public (i.e., applicants, licensees, continuing education providers, etc)?

YES

NO

If yes, the following must be completed:

Private Entity Costs

Below is a list of estimated expenses most often associated with a regulation and resulting in a private sector cost. Please check all types of expenses that apply and enter an estimated number in the quantity “Qty” column for each item checked. Please refer to the Guidelines for Rule Preparation to complete this section.

Item	Cost	Quantity	Total
Fee Increase	\$0.00	0	\$0.00
Fee Decrease	\$0.00	0	\$0.00
Notary	\$2.00	0	\$0.00
Transcript	\$10.00	0	\$0.00
Postage	\$0.44	0	\$0.00
Photo	\$7.50	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Other (Please specify)	\$0.00	0	\$0.00
Total			\$0.00

Growth Rate - Please answer the questions below related to how the quantity estimates above will change.

What is the expected growth rate of the entities affected by this regulation?

No growth is expected.

During which timeframe is the growth expected to occur?

- Annually
- Biennially
- Monthly

List source(s) of information used in calculating estimate costs for both public and private sectors.

A provisional licensed marital and family therapist is a supervised marital and family therapist that has passed the national examination and met all educational requirements. The issuance of a provisional license does not change the requirements to practice legally and ethically.

Small Business Impact

Describe how the proposed regulation is exempt from the SBRFB moratorium.

There is no cost associated with the implementation of the amended language.

The following questions will assist in composing clear, complete, and concise answers in completion of the small business impact statement. Please refer to the Guidelines for Rule Preparation to complete this section. Also, please provide as much detail as possible, including any positive, negative and relevant information to explain the need for the rule.

1. Please describe the methods your agency considered or used to reduce the impact on licensees and small businesses.

A provisional licensed marital and family therapist is a supervised marital and family therapist that has passed the national examination and met all educational requirements. The issuance of a provisional license does not change the requirements to practice legally and ethically.

2. Please explain how your agency has involved licensees and small businesses in the development of the proposed rule.

The Missouri Association for Marriage and Family Therapy drafted and supported the legislation with input and support from the American Association for Marriage and Family Therapy. The state committee has worked with members of the state association's board of directors on developing the language. Association members have been present on any conference calls when the regulations have been discussed.

3. Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the monies will be used.

There is no monetary cost to the state committee or division because there is no fee.

4. Please describe licensees and small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Provisional licensed marital and family therapists under state committee approved licensure supervision will be subject to the regulation.

5. Please list direct and indirect costs (in dollars amounts) associated with compliance.

There are no direct or indirect costs to provisional licensees.

6. Please list types of licensees and small businesses that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

The proposed language will have an impact upon provisional licensees because that license type is added to the regulation. Prior to the issuance of a provisional license, the individual receiving approved supervision is considered a supervised marital and family therapist and as such must follow the ethical practices defined by the regulation. The issuance of a provisional license does not change that regulatory obligation.