

Proposal Summary/ Overview

To be completed by proposal sponsor. (500 Word Count Limit for this page)

Name: Jennifer Mohlenhoff, Executive Director

Organization: Minnesota Board of Marriage and Family Therapy

Phone: 612-617-2220

Email Address: jennifer.mohlenhoff@state.mn.us

Is this proposal regarding:

- *New or increased regulation of an existing profession/occupation? If so, complete this form, Questionnaire A.*
- *Increased scope of practice or decreased regulation of an existing profession? If so, complete Questionnaire B.*
- *Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.*

1) State the profession/occupation that is the subject of the proposal. **Licensed Marriage and Family Therapist (LMFT)**

2) Briefly describe the proposed change. **The proposed statutory change would create a guest license for LMFTs from another jurisdiction to apply for/obtain to provide MFT services to Minnesotans for a limited period (5 consecutive months). The license carries with it a corresponding licensure fee.**

3) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction. **The bill has not been introduced. Authors are currently being sought and names will be provided when confirmed.**

4) Given the press of business in the 2023 legislative session it is unlikely that health licensing and scope of practice bills will be taken up this year. If there is an urgent need that this bill be heard this year, please explain the urgency.

Questionnaire A: New or increased regulation (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)

This questionnaire is intended to help legislative committees decide which proposals for new or increased regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee's public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

A response is not required for questions which do not pertain to the profession/occupation (indicate "not applicable"). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

New or increased regulation of health professions is governed by Mn State 214. Please read and be familiar with those provisions before submitting this form.

While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

1) Who does the proposal impact?

- a. Define the occupations, practices, or practitioners who are the subject of this proposal. **Licensed Marriage and Family Therapists (LMFTs) holding the LMFT license in another state/jurisdiction.**
- b. List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota. **N/A**
- c. Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served. **The guest licensure bill would allow any LMFT, with a license in good standing in another jurisdiction (no pending complaints or active disciplinary/corrective actions) to apply for MN LMFT guest licensure after completion of required guest licensure application, completion of a required fingerprint-based criminal background check, and payment of required guest licensure fee. These (non-MN) LMFTs would then be able to provide MFT services in Minnesota (either in-person or via telehealth) for up to five (5) consecutive months.**
- d. Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups. **The guest licensure LMFTs would be able to perform the same or similar work as performed by a MN LMFT.**

2) Specialized training, education, or experience (“preparation”) required to engage in the occupation

- a. What preparation is required to engage in the occupation? How have current practitioners acquired that preparation? **Licensure as an LMFT in another jurisdiction is required. The LMFT must have completed a graduate education same/similar to that required for MN LMFT licensure.**
- b. Would the proposed regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear these costs? **No; the only cost would be paid by the non-MN LMFT for the guest licensure application fee.**
- c. Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage? **Several other states have LMFT guest licensure laws. Other Minnesota behavioral health boards also have guest licensure statutes (MN Board of Psychology; MN Board of Behavioral Health).**
- d. If current practitioners in Minnesota lack any training, education, experience, or credential that would be required under the new regulation, how does the proposal address that lack? **N/A; this bill does not impact Minnesota practitioners / MN LMFTs.**
- e. Would new entrants into the occupation be required to provide evidence of preparation or be required to pass an examination? If not, please explain why not. Would current practitioners be required to provide such evidence? If not, why not? **Additional examination would not be required of guest licensure LMFT applicants. LMFTs licensed in another jurisdiction would have been required to pass national and/or state examinations prior to issuance of that jurisdiction’s LMFT license.**

3) Supervision of practitioners

- a. How are practitioners of the occupation currently supervised, including any supervision within regulated institution or by a regulated health professional? How would the proposal change the provision of supervision? **N/A; the guest licensure proposal does not change in anyway the current MN LMFT licensure process. Those individuals granted MN LMFT guest licensure would be subject to oversight/regulation by the MN Board of Marriage and Family Therapy.**
- b. Does a regulatory entity currently exist or does the proposal create a regulatory entity? What is the proposed scope of authority of the entity? (For example, will it have authority to develop rules, determine standards for education and training, assess practitioners’ competence levels?) Has the proposed change been discussed with the current regulatory authority? If so, please list participants and date. **The proposal does not create a new regulatory entity. Those individuals granted MN LMFT guest licensure would be subject to oversight/regulation by the MN Board of Marriage and Family Therapy.**

- c. Do provisions exist to ensure that practitioners maintain competency? Describe any proposed change. **Those individuals granted MN LMFT guest licensure would be required to meet all continuing competency requirements enacted in their “home” state of LMFT licensure. Additional competency requirements would not be enacted by MN for MN LMFT guest licensure candidates.**

4) Level of regulation (See Mn Stat 214.001, subd. 2, declaring that “no regulations shall be imposed upon any occupation unless required for the safety and well-being of the citizens of the state.” The harm must be “recognizable, and not remote.” Ibid.)

- a. Describe the harm to the public posed by the unregulated practice of the occupation or by the continued practice at its current degree of regulation. **MN LMFT guest licensure is intended to increase access to qualified, competency behavioral health services for Minnesotans by allowing those holding the LMFT license in another jurisdiction to provide care to Minnesotans subject to the limitations in the bill.**
- b. Explain why existing civil or criminal laws or procedures are inadequate to prevent or remedy any harm to the public. **Currently, the practice of MFT in Minnesota by an individual holding an LMFT license in another jurisdiction is not allowed. This bill is intended to increase access to MFT services for Minnesotans.**
- c. Explain why the proposed level of regulation has been selected and why a lower level of regulation was not selected. **The Board is unaware of a lower level of regulation for this type of practice.**

5) Implications for Health Care Access, Cost, Quality, and Transformation

- a. Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs? **The proposal is intended to increase access for Minnesotans to qualified, competency behavioral health care.**
- b. Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic availability of proposed providers/services. Cite any sources used. **The proposal is intended to increase the number of qualified, competent LMFTs who can provide care to Minnesotans.**
- c. Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers? **The proposal does not change/address/impact how the guest licensed LMFTs would be compensated for care provided to Minnesotans.**

- d. Describe any impact of the proposal on an evolving health care delivery and payment system (e.g., collaborative practice, innovations in technology, ensuring cultural competency, value-based payments)? **The Board is unaware of any specific impact of this proposal on the evolving health care delivery & payment system.**
- e. What is the expected regulatory cost to state government? Is there an up-to-date fiscal note for the proposal? How are the costs covered under the proposal? **The MN Board of MFT is entirely fee funded and takes no revenue from the State's General Fund. The guest licensure fee is anticipated to fund the cost of the Board implementing the guest licensure application process.**

6) Evaluation/Reports

Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews. **The MN Board of MFT will track data on the number of individuals applying for and being granted a MN LMFT guest license. The Board will also track data on any compliance issues and/or actions resulting from the practice of marriage and family therapy in Minnesota by a guest licensee.**

7) Support for and opposition to the proposal

- a. What organizations are sponsoring the proposal? How many members do these organizations represent in Minnesota? **The proposal is sponsored by the MN Board of Marriage and Family Therapy, the regulatory agency overseeing the licensure and practice of marriage and family therapy in Minnesota.**
- b. List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal. **The Board is unaware of any formal support to the guest licensure proposal by other organizations. The proposal was discussed in public meetings addressing possible rule and/or statutory changes to the regulations governing the licensure and practice of marriage and family therapy in Minnesota.**
- c. List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it. **The Board is unaware of any opposition to the guest licensure proposal.**
- d. What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal? **N/A; the Board is unaware of any opposition to the guest licensure proposal.**