

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

STATE OF MINNESOTA
COUNTY OF RAMSEY
THERAPY

MINNESOTA BOARD OF
MARRIAGE AND FAMILY
THERAPY

In the Matter of the Proposed
Adoption of Amendments to the
Board of Marriage and Family
Therapy Permanent Rules
5300.0100 - 5300.0360.

STATEMENT OF NEED
AND REASONABLENESS

I. Introduction

The purpose of the Board of Marriage and Family Therapy is to protect the public by setting standards of qualifications, training experience and ethics for those who seek to represent themselves as Marriage and/or Family Therapists.

The Minnesota Board of Marriage and Family Therapy is proposing amendments to permanent rules relating to the licensure of marriage and family therapists, (Minnesota Rules pt. 5300.0100 to 5300.0360).

Minnesota Statutes 148B.29 - 148B.39 established the Minnesota Board of Marriage and Family Therapy. Authority for the Board to develop the details of its programs (most importantly the licensing of Marriage and Family Therapists) through rulemaking is contained under Minnesota Statutes, 148B.31 (1), (2), (4), (6), (7), 148B.33 Subd.2, 148B.37 Subd. 1(3), and 214.06 (1988).

II. SMALL BUSINESS CONSIDERATIONS

Under Minnesota Statutes, sections 14.115 a state agency is required to consider ways to reduce the impact of rules on small businesses. It is the Board's position that the rules will not affect small businesses since the licensure is for individuals,

1 not businesses. The licensure authorizes providers to practice
2 marriage and family therapy independent of whether or not the
3 services are performed as part of a small business.

4 Should the proposed rules be construed, in some way, as
5 affecting small businesses, the Board, in its development of the
6 rules has attempted to minimize any impact. The proposed rules
7 address the definition of terms, clarify ambiguities in the law,
8 define a code of ethics and establish procedures for the process
9 of licensing. The Board believes that any perceived impact on
10 small businesses would be in the areas of compliance, reporting
11 requirements, and performance standards. These areas are
12 established by statutory objectives and not by rule and are
13 therefore, not subject to the Board's alternation or amendment.

14 Further, reducing the impact of the rules on small
15 businesses would be contrary to the statutory objectives that are
16 the basis for requiring the Board to license marriage and family
17 practice. It would also result in placing greater burden on
18 those persons not considered "small businesses" when the work of
19 the Board applies equally to all licensees without regard to
20 their small business classification. Such a distinction, if
21 reflected in renewal fees, for example, would be difficult to
22 justify.

23 Potential licensees, regardless of whether they are
24 considered as individuals or small businesses, will have
25 participated in the rulemaking process and will continue to have
26 the opportunity to participate throughout the permanent
27 rulemaking process.

28 Three changes to the Permanent rules are proposed as
29 follows:

- 30
- 31 1. The first change relates to Continuing education
32 Requirements in subp. 2. It should be noted that
33 Minnesota Statutes 148B.31 (7) directs the Board to
34 "establish continuing education requirements." This
35 proposed change has been strongly recommended by the
36 Board's licensees.

1
2 Current Rules require 15 hours of continuing education
3 by December 31 every year." The proposed change would
4 require 30 hours every two years with the first two
5 year period beginning January 1, 1992.
6

7 The proposed change stems from two factors from the
8 licensee's point of view. The first being the
9 increasingly high costs of continuing education and the
10 desire for credit for longer and more in depth
11 workshops.
12

13 While the change still averages out to the current 15
14 hours per year, the new proposal would allow one to
15 more affordably undertake a longer national educational
16 conference every other year and still be able to use
17 all of the earned credit toward licensure renewal.
18 Under the existing rule any credits in excess of
19 fifteen hours would be lost.
20

21 It is this Board's opinion that such a change could
22 upgrade the quality of continuing education taken by
23 its licensees while not placing additional burden on
24 the Board.
25

26 2. The second change relates to the Board's address as
27 stated in Chapter 5300.0360. When this Board was
28 originally established under Chapter 148B, it operated
29 under the umbrella of the Office of Social Work and
30 Mental Health along with the Board of Social Work and
31 The Board of Unlicensed Mental Health Service
32 Providers. All were housed in Suite 225 of the Colonial
33 Office Park Building, 2700 University Avenue West, St.
34 Paul, MN 55114.
35

1 The 1991 Legislature dissolved the Office of Social

1 Work and Mental Health and the Board of Unlicensed
2 Mental Health Providers, and re-established the Board
3 of Marriage and Family Therapy and the Board of Social
4 Work as autonomous boards. The Board of Marriage and
5 Family Therapy has relocated in the same building to
6 Suite 67 which is smaller and more affordable within
7 the Board's limited budget. Thus, this change simply
8 corrects the Board's mailing address.

9
10 3. The third proposed change relates to fees currently
11 included in the Board Permanent Rules under 5300.0360.

12
13 Minnesota Statutes 148B.17 requires the Board to
14 establish fees by rule. The amount of fees collected
15 must, as closely as possible, equal anticipated
16 expenditures during the fiscal biennium (Minnesota
17 Statutes, Section 214.06 and 16A.128, subd. 1a, and
18 148B.17.)

19
20 When the original fees were set by the Board, it could
21 only estimate the potential income that might be
22 raised. Also, the new Board could then only estimate
23 costs, number of licensees, license renewals, etc.

24
25 The Board's Fee review for FY92, 93 was developed on
26 experience gained in FY90 and 91 and approved by the
27 Minnesota Department of Finance. THE FY92,93
28 appropriation from the 1991 Legislature totally
29 reflects this Fee Review.

30
31 The proposed amendment raises the annual license
32 renewal fee from \$100 to \$115 and the sponsor's
33 application for approval of continuing education course
34 fee from \$25 to \$50.

35
36 The continuing education approval fee more closely

1 covers of actual cost of the average approval process.
2 The change in the license renewal fee reflects the
3 actual number of licensees seeking renewal in relation
4 to the Board's actual costs. This number was gained
5 from the experience derived in the initial renewal
6 experience of the Board.
7

8 With these changes in place, the Board will be able to
9 recoup the FY92, 93 appropriation of the Legislature.
10

11 The Department of Finance approval of this fee change
12 is attached.
13

14 Any requests for further information on this Statement
15 should be directed to the Board at 2700 University
16 Avenue West, Suite 67, St. Paul, Minnesota 55114,
17 Telephone (612) 643-3667.
18

19 

20 Robert C. Butler, Executive Director
21 Board of Marriage and Family Therapy
22 June 16, 1991
23