

VIA EMAIL

May 5, 2026

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**In the Matter of the Proposed Rule Amendments to Permanent Rules Governing the
Licensure and Practice of Marriage and Family Therapy and Related Rules, Chapter 5300,
Revisor's ID Number RD-4834; CAH Docket No. 21-9012-41582**

Dear Legislative Reference Library:

The Minnesota Board of Marriage and Family Therapy intends to adopt rules relating to governing the licensure and practice of marriage and family therapy and related rules. The board published a Notice of Intent to Adopt Rules without a Public Hearing in the May 4, 2026, *State Register*.

The board has prepared a Statement of Need and Reasonableness. On behalf of the board, and as required under Minnesota Statutes, sections 14.131 and 14.23, I am sending the library an electronic copy of the Statement of Need and Reasonableness at the same time that the board is sending its Notice of Intent to Adopt Rules.

If you have any questions or concerns, please contact Executive Director Jennifer L. Mohlenhoff at jennifer.mohlenhoff@state.mn.us or 612/617-2220.

Sincerely,

Kevin T. Slator

Kevin Slator
Rulemaking Attorney, Minnesota Department of Human Services

o/b/o Minnesota Board of Marriage and Family Therapy

Enclosure: Statement of Need and Reasonableness

Cc: Jennifer L. Mohlenhoff



STATEMENT OF NEED AND REASONABLENESS

Proposed Amendments to Rules Relating Licensure
Qualifications and Procedures, Minnesota Rule 5300;
Revisor's ID Number RD4834

Minnesota Board of Marriage and Family Therapy

March 2026

General information:

1. Availability: The State Register notice, this Statement of Need and Reasonableness (SONAR), and the proposed rule will be available during the public comment period on the Agency's Public Notices website: <https://mn.gov/boards/marriage-and-family/>
2. View older rule records at: [Minnesota Rule Statutes](https://www.revisor.mn.gov/rules/status/)
<https://www.revisor.mn.gov/rules/status/>
3. Agency contact for information, documents, or alternative formats: Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Jennifer Mohlenhoff, Executive Director, 335 Randolph Avenue, Suite 260, St. Paul, MN, 55102, Tel. 612-617-2220, email jennifer.mohlenhoff@state.mn.us; or use your preferred telecommunications relay service.

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Acronyms

APA	Administrative Procedures Act
ALJ	Administrative Law Judge
CFR	Code of Federal Regulations
LMFT	Licensed marriage and family therapist
LAMFT	Licensed associate marriage and family therapist
MAMFT	Minnesota Association for Marriage and Family Therapy
MAT	MN Association of Townships
MBMFT	Minnesota Board of Marriage and Family Therapy
Minn. R.	Minnesota Rules
Minn. Stat. Sec./Secs.	Minnesota Statutes Section(s)
MMB	Minnesota Management and Budget
MN	Minnesota
MORS	MN Office of the Revisor of Statutes
CAH	Court of Administrative Hearings
SONAR	Statement of Need and Reasonableness
SR	State Register

Introduction and Overview

Introduction

The Minnesota Board of Marriage and Family Therapy (“the Board”) licenses and regulates licensed marriage and family therapists (“LMFT”) and licensed associate marriage and family therapists (“LAMFT”) in Minnesota. The Board’s rules are contained in Minnesota Rules (“Minn. R.”), Rules 5300.0100-5300.0355. The Board’s rules were last revised in 2016.

In 2019, the Board began a comprehensive review to identify necessary rule changes. The Board drafted proposed revised rules and held listening sessions on September 27, October 15, and November 7, 2019, to receive input from stakeholders and others, before the process was interrupted by the COVID-19 pandemic. Input from these listening sessions informed the Board’s decisions regarding content of the proposed rules.

The Board held a virtual meeting to present the proposed rules and receive public input on February 28, 2022, and made two presentations of its proposed rules, on October 7, 2022, and October 6, 2023, at annual conferences of the Minnesota Association for Marriage and Family Therapy (“MAMFT”). Three public meetings of the Board’s Rule Review Committee were also held on November 16 and December 5, 2022, and on January 20, 2023. Public comment and input were received at each meeting.

The Board made certain changes to the proposed rules based on comments received throughout 2022 and 2023. In September 2023, the Board requested a Revisor’s Draft of the rules from the Revisor of Statutes, which was provided in June 2024.

On May 12, 2025, the Board published a Request for Comments in the State Register¹ that contained a link to access the draft rules on the Board’s website.² The comment period closed at 4:30 p.m. on July 18, 2025. No comments were received.

The Board proposes to amend its rules for the following main purposes:

- To comply with the statutory requirement for the Board to “develop by rule appropriate techniques, including examinations and other methods, for determining whether applications and licensees are qualified...”,³

¹ 49 SR 1247.

² <https://mn.gov/boards/marriage-and-family/>.

³ Minn. Stat. § 148B.31(a)(2).

- To restructure the licensing process so that an LAMFT license may be obtained and the postgraduate experience (and path to LMFT licensure) started earlier than under current rules;
- To allow greater flexibility in meeting practice supervision requirements, as a portion of the required supervision may be provided by non-LMFT mental health professionals;
- To reduce unnecessary paperwork by reducing the number of required applications from three to two;
- To reduce administrative burden on Board staff. To adopt these proposed rules, the Board must demonstrate that it has complied with all procedural and substantive requirements for rulemaking. These requirements are as follows: (1) there is statutory authority to adopt rules; (2) the rules are necessary and reasonable; (3) all necessary procedural steps have been taken; and (4) any additional requirements imposed by law have been satisfied. This statement demonstrates that the Board has met these requirements.

Statement of General Need

The proposed amended rules and new rules are generally necessary to streamline the application, licensure, and examination processes for both LAMFT and LMFT applicants, and to expand allowable post-degree supervision options for applicants.

The amended rules and new rules will also fulfill the statutory obligation for the Board to review its administrative rules on a regular basis and engage in rulemaking when required to correct error, address obsolete language, remove outdated provisions, address inadequacies and/or omissions, or to adopt language that assists a Board in fulfilling its mission of effective licensure processes and public protection.

Scope of Proposed Amendments

The following chapters of Minnesota rules are affected by the proposed changes:

- 5300.0100 Definitions.
- 5300.0110 License Requirement.
- 5300.0130 Requirements for Licensure as a Licensed Marriage and Family Therapist.
- 5300.0135⁴ Requirements for Licensure as a Licensed Associate Marriage and Family Therapist.

⁴ Rule 5300.0135 will be renumbered as 5300.0125. (See Revisor’s draft titled “Proposed Permanent Rules Modifying Licensure Qualifications and Procedures,” RD4834, line 39.24.)

- 5300.0140 Educational Requirements; Determination of Equivalent Degree.
- 5300.0155 Experience Requirements for Applicants for Marriage and Family Therapist
- 5300.0160 Requirements for Supervisor.
- 5300.0170 Responsibilities of Supervisor.
- 5300.0200 Procedures for Application for LMFT and LMFT Licensure.
- 5300.0240 Examination Methods; Subjects and Procedures.
- 5300.0250 Reciprocity.
- 5300.0270 Display of License.
- 5300.0280 Renewal of License.
- 5300.0290 Failure to Renew.
- 5300.0300 Reinstatement of License.
- 5300.0315 Emeritus License Status.
- 5300.0320 Continuing Education Requirements.
- 5300.0330 Refusal to Grant License, Suspension, or Revocation of License.
- 5300.0350 Code of Ethics.
- 5300.0351 Record-Keeping Requirements.
- 5300.0355 Assessments, Tests, Reports.

Statutory Authority

Minn. Stat. Secs. 148B.31 and 214.06 authorize the Board to adopt rules necessary to administer and enforce Minn. Stat. Secs. 148B.29 to 148B.392, and to set forth procedures and information required for renewal. Because the Board is not relying on statutory authority recently granted or expanded, Minn. Stat. Sec. 14.125 does not apply.

Background

In 2019, the Board began a periodic review of its rules. The process was interrupted and delayed by the COVID-19 pandemic.

The Board determined that revising certain rules could make the licensure processes more efficient and user-friendly for LAMFT and LMFT applicants and licensees, while maintaining quality licensure

standards. The Board also recognized a need to address trends in examination and supervision processes for behavioral health licensure.

Public Participation and Stakeholder Involvement

Consistent with the Minnesota Administrative Procedures Act (MAPA),⁵ the Board published a Request for Comments in the Minnesota State Register on May 12, 2025.⁶ The Board noticed the Request for Comments to all users who had subscribed for notification of active MBMFT rulemaking on the Board's GovDelivery service. The Board does not currently have anyone on record as requesting a mailed copy of the Request for Comments, or other rulemaking documents, and utilizes the GovDelivery subscriber list exclusively to satisfy requirements of Minn. Stat. Sec. 14.14, subd. 1a.

Reasonableness of the Amendments

General Reasonableness

1. Updating terminology in response to changes in marriage and family therapy.

Updating terminology in Rule 5300 is reasonable, as it will clarify rules when necessary and stay current with trends in marriage and family therapy. For example, "relational therapy" will be added to definitions for the first time, to acknowledge the current term used to reference therapy that takes into account the ways in which social and familial factors relate to the relationships in a person's life.⁷

2. Restructuring and simplifying the licensure processes.

Restructuring the licensure process to allow applicants to obtain an LAMFT license after passing the state examination rather than the more rigorous national examination is reasonable because it will allow applicants to obtain a verifiable licensure status earlier in the two-year, 4,000-hour supervised postgraduate experience process.⁸

Allowing an applicant who has obtained at least 150 hours but not the required 300 hours of clinical contact during a graduate clinical practicum to complete the hours on a postgraduate basis was a temporary COVID-19 accommodation that will be made permanent. This is reasonable because the

⁵ Minn. Stat. Secs. 14.01-14.69.

⁶ 49 SR 1247.

⁷ Minn. R. 5300.0100 subp. 12b (new rule).

⁸ Minn. R. 5300.0135 subp. 1D (formerly subp. 1D), to be renumbered as Minn. R. 5300.0125; Minn. R. 5300.0200 and 5300.0240.

temporary rule change benefited applicants and clients without having a negative effect on the integrity and quality of the licensure process.⁹

3. Expansion of supervision options.

A portion of the minimum 200 hours of supervision may now be supervised by a “secondary supervisor.”¹⁰ This is reasonable, as it will add flexibility to the supervision requirement while maintaining the integrity of the supervision requirement.

Clarifying what supervision does *not* include is also reasonable and necessary, as clarity on this important subject will benefit both the supervisor and applicant in eliminating any possible uncertainty.¹¹ Clarifying the responsibilities of a supervisor will also generally enhance and improve supervision.¹²

4. Clarification of clinical client contact.

The current requirement of 1,000 hours of clinical client contact, which is part of the 4,000-hour postgraduate experience, remains unchanged with new rule language allowing all required client contact hours to be provided in person or as real-time online therapy. The new rule will improve the postgraduate experience for applicants (and clients being served) and acknowledge a trend in marriage and family therapy to provide online care.¹³ The change is also reasonable to better define non-clinical client contact, which can comprise a maximum of 2,800 hours of the 4,000-hour postgraduate experience.¹⁴

5. Sexual relations with former clients.

When a licensee is the subject of a complaint of sexual behavior with a former client in violation of Rule 5300.0350, subpart 5E, it is appropriate and reasonable to place the burden of proving the (1) the former client was not emotionally dependent upon the therapist, and (2) the sexual behavior was not the result of therapeutic deception on the therapist, on the therapist rather than on the client. This rule change will codify that burden of proof.

6. Record-keeping.

Because of the importance of client records in marriage and family therapy (and behavioral health generally), it is appropriate and reasonable to move record-keeping requirements from within the

⁹ Minn. R. 5300.0140 subp. 2F.

¹⁰ Minn. R. 5300.0100 subp. 12c (new rule); Minn. R. 5300.0155, subp. 4B; Minn. R. 5300.0160, subp. 5 (new rule).

¹¹ Minn. R. 5300.0155 subp. 4H (new rule).

¹² Minn. R. 5300.0170, subp. 2.

¹³ Minn. R. 5300.0155 subp. 3A.

¹⁴ Minn. R. 5300.0155, subp 3C.

Code of Ethics to its own subpart, and to expand the required contents of the records to better document therapy that is provided.¹⁵

The reasonableness of other amended rules and new rules is addressed below.

Rule-by-Rule Analysis

The Board’s proposed rules include best practices and recommendations from the Office of the Revisor including:

- changing the term “shall” to “must” throughout the entire chapter;
- breaking rules structured as paragraphs into “outline” structure, with subpart, item, and subitem entries, as the rule text might require; and
- using active in place of passive voice.

All other proposed changes are identified below and followed by a justification.

RULE 5300.0100 – DEFINITIONS

Rule 5300.0100, subpart 2 (Advertising). This subpart is updated to reflect that advertising now includes electronic media as well as print media.

Rule 5300.0100, subpart 7 (Fee splitting). This subpart is repealed, as fee-splitting has not been the subject of disciplinary/enforcement action, or an issue before the Board, since the rules were last revised in 2016. Fee-splitting is still prohibited under Rule 5300.0350, subpart 4G.

Rule 5300.0100, subpart 12b (Relational therapy). This new subpart is added to define relational therapy and relational groups and reflects more modern terminology to refer to therapy with couples and families and those who share a significant relationship.

Rule 5300.0100, subpart 12c (Secondary supervisor). This subpart adds a definition of secondary supervisor, which is a new method of supervision that provides applicants with an alternative to the current method that limits applicants to supervision by an LMFT during the application process. (See Rules 5300.0155, subpart 4, 5300.0160, subparts 5 and 6, and 5300.0170, subpart 2).

Rule 5300.0100, subpart 16 (Supervision). This subpart amends and updates the definition of supervision in Rules 5300.0155, subpart 4, 5300.0160, and 5300.0170, as amended. These amendments are reasonable and necessary, because for the first time they place clear responsibility *on*

¹⁵ Minn. R. 5300.0351.

the supervisor for ensuring that supervisees provide quality marriage and family therapy, and for fulfilling supervisor responsibilities contained in Rule 5300.0170, subpart 2.

Rule 5300.0100, subpart 17 (LMFT supervisor). This subpart amends the definition of supervisor to correspond to the creation of secondary supervisor (see proposed new Rules 5300.0100, subpart 12c, 5300.0160, subpart 5, and 5300.0170), and to distinguish secondary supervisor from LMFT supervisor.

Rule 5300.0100, subpart 19 (Therapist). This amendment clarifies that therapist as defined in this rule means only marriage and family therapist and no other kind of therapist.

RULE 5300.0110 – LICENSE REQUIREMENT

Rule 5300.0110, subpart 1 (License required). These amendments are necessary to clarify that licensure from the Board is limited to marriage and family therapy services provided *within Minnesota*, and to acknowledge that the Marriage and Family Therapy Practice Act now includes Minn. Stat. Sec. 148B.392, regarding fees, which was enacted in 2019.

RULE 5300.0125 – REQUIREMENTS FOR LICENSURE AS A LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST

Note: Per the Office of the Revisor of Statutes, Rule 5300.0135 is to be renumbered as Rule 5300.0125.¹⁶

Rule 5300.0125, subpart 1 (Requirements). This amendment clarifies that this rule describes LAMFT requirements for licensure by the Board.

Rule 5300.0125, subpart 1B. This amendment clarifies that the age requirement to be eligible for licensure is *at least* age 18.¹⁷

Rule 5300.0125, subpart 1C. This new subpart mirrors the existing statutory requirement of citizenship or ability to legally work in the United States to be eligible for licensure.¹⁸

Rule 5300.0125, subpart 1D. This amendment requires that LAMFT license applicants must “agree to conduct all professional activities as a licensed associate marriage and family therapist in accordance with all laws and rules governing the practice of marriage and family therapy,” which is reasonable as it

¹⁶ See Revisor’s draft titled “Proposed Permanent Rules Modifying Licensure Qualifications and Procedures,” RD4834, line 39.24.

¹⁷ Minn. Stat. Sec. 148B.33, subd. 1(1) provides that an applicant must have “attained the age of majority,” or be *at least* 18 years old, to be eligible for licensure.

¹⁸ Minn. Stat. Sec. 148B.33, subd. 1(3).

parallels a current requirement contained in Rule 5300.0175 that LAMFT licensees “must observe all laws and rules that govern the practice of licensed marriage and family therapists.”

Rule 5300.0125, subpart 1E. This amendment reflects the Board’s restructuring of the LAMFT/LMFT licensure processes, including a new requirement for passage of the state licensure examination rather than the MFT National Examination at the beginning of the process.

This amendment is necessary to implement restructuring. It is also reasonable, as it will shorten and simplify the path to intermediate licensure as an LAMFT without compromising the integrity of the licensure process or diminish the quality of marriage and family therapy provided by LAMFTs under supervision. As discussed below under subpart 1G, passage of the MFT National Examination is now not required until an LAMFT applies for LMFT licensure (see Rule 5300.0200, subpart 1aE, below).

Rule 5300.0125, subpart 1F. This amendment parallels a requirement currently contained in Rule 5300.0175 that requires LAMFTs to practice under the supervision of a board-approved LMFT supervisor (as specified in Rules 5300.0160 and 5300.0170), but specifies that supervision must continue until the applicant is licensed as an LMFT. This is necessary as supervision is required until an applicant is fully licensed as an LMFT, and it is reasonable as it does not alter preexisting requirements.

Rule 5300.0125, subpart 2 (Denial of licensure to applicant). This amendment provides for written notice (within 30 days) and an explanation of reasons when an LAMFT license application is denied, consistent with similar provisions already in place at other health regulatory boards.¹⁹ This amendment also provides that additional applications for licensure following a license denial are treated as new applications, and they must be accompanied by an application fee required as provided under Minn. Stat. Sec. 148B.392, subd. 2.

RULE 5300.0130 – REQUIREMENTS FOR LICENSURE AS A LICENSED MARRIAGE AND FAMILY THERAPIST

Rule 5300.0130, subpart 1 (Requirements). This subpart clarifies that this rule describes the LMFT requirements for licensure by the Board.

Rule 5300.0130, subpart 1B. This amendment clarifies that the age requirement to be eligible for licensure is at least age 18.²⁰

¹⁹ For example, when the Board of Medical Practice denies an application for licensure as a traditional midwife, the Board must notify the applicant in writing of the grounds for denial. Minn. Stat. Sec. 147D.19(c).

²⁰ Minn. Stat. Sec. 148B.33, subd. 1(1) provides that an applicant must have “attained the age of majority,” or be *at least* 18 years old, to be eligible for licensure.

Rule 5300.0130, subpart 1C. This new subpart mirrors the existing statutory requirement of citizenship or ability to legally work in the United States to be eligible for licensure.²¹

Rule 5300.0130, subpart 1D. This amendment replaces the experience requirement contained in Rule 5300.0150, which will be repealed, with the requirement contained in Rule 5300.0155. Rule 5300.0150 applied to applicants who became eligible to begin the statutory, two-year supervised postgraduate experience prior to August 1, 2016 – which now is a very small number of applicants.²²

Rule 5300.0150 contained no limit on the time an applicant could take to complete the minimum 4,000-hour postgraduate experience. Rule 5300.0155, by contrast, requires applicants to complete the postgraduate experience “no more than seven years from the filing of the application to take the national examination.” The Board believes a gap of more than seven years between postgraduate studies and completion of postgraduate supervised practice is too great, and that a seven-year time limit is appropriate for all applicants.

Rule 5300.0130, subpart 1E. This amendment replaces the use of endorsements with attestations to satisfy the statutory requirement for applicants to submit evidence of good moral character.²³ The Board has determined that attestations, which must be submitted by the applicant’s supervisor(s), will be a more reliable indicator of an applicant’s moral character than endorsements submitted by another LMFT.²⁴

Rule 5300.0130, subpart 1F. This amendment adds a requirement that applicants for an LMFT license must comply with a “all laws and rules governing the practice of marriage and family therapy,” as well as the code of ethics contained in Rule 5300.0350. This requirement is already contained in Rule 5300.0175.

Rule 5300.0130, subpart 1G. This amendment reflects the Board’s proposed reformation and streamlining of the examination and licensure process. Currently, an applicant must pass a national examination to be eligible for an LAMFT license and then pass the state examination at the conclusion of the applicant’s postgraduate supervised practice.²⁵ This amendment reflects the change in the examination process where applicants instead pass a state licensure examination provided by the board, obtain LAMFT licensure, and then complete postgraduate supervised practice.²⁶ The revised process would defer the requirement for passage of the national examination to the end of the

²¹ Minn. Stat. Sec. 148B.33, subd. 1(3).

²² Minn. R. 5300.0150. (I don’t think this is correct citation.)

²³ Minn. Stat. Sec. 148B.33, subd. 1(2).

²⁴ Minn. R. 5300.0230 (“Requirements for Endorsement”).

²⁵ Minn. R. 5300.0135, subp. 1D, and 5300.0240.

²⁶ See Minn. R. 5300.0240, subps. 1B and 4.

licensure process,²⁷ which will allow applicants to gain licensure status, and provide therapy services under supervision, earlier in the licensure process. It will also reduce from three to two the number of applications on the path to licensure as an LMFT.

Rule 5300.0130, subpart 2 (Denial of licensure to applicant). This amendment provides for written notice (within 30 days) and an explanation of reasons when a license application is denied, consistent with principles of adequate notice and fairness, and similar to provisions at other health regulatory boards.²⁸ This amendment also provides that additional applications for licensure following a license denial are treated as new applications, so they must be accompanied by a new application fee required under Minn. Stat. Sec. 148B.392, subd. 2.

RULE 5300.0140 – EDUCATIONAL REQUIREMENTS; DETERMINATION OF EQUIVALENT DEGREE REQUIREMENTS FOR LICENSURE AS A LICENSED MARRIAGE AND FAMILY THERAPIST

Rule 5300.0140, subpart 2 (Degrees; course work requirements)

Rule 5300.0140, subpart 2F. This amendment makes permanent a temporary exception granted during the COVID-19 pandemic, when applicants were finding it difficult to complete at least 300 hours of client contact in a clinical practicum during their graduate studies. The Board has determined that allowing applicants who have completed at least 150 hours of clinical contact to have additional time to reach 300 total hours is a reasonable accommodation that will not diminish the quality of marriage and family therapy services provided by postgraduate applicants and will not adversely affect the Board’s role of ensuring public protection.

Rule 5300.0150. This rule, which specifies experience requirements for individuals eligible to commence postgraduate supervised experience *prior to* August 1, 2016, is repealed for the reasons cited in the above discussion of Rule 5300.0130, subpart 1D. Experience requirements are now addressed in Rule 5300.0155, discussed below.

RULE 5300.0155 -- EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR MARRIAGE AND FAMILY THERAPIST LICENSURE

Rule 5300.0155, subpart 1 (Supervised experience required). This amendment clarifies that the duration of a supervised postgraduate experience requirement is *at least* two years, which is

²⁷ See also the proposed amendment to Minn. R. 5300.0200, subp. 1A (“The applicant must submit a completed application for associate marriage and family therapist licensure and for admission to the national examination in marriage and family therapy on a form provided by the board.”)

²⁸ For example, when the Board of Medical Practice denies an application for licensure as a traditional midwife, the Board must notify the applicant in writing of the grounds for denial. Minn. Stat. Sec. 147D.19(c).

consistent with statute that says “An applicant for a license shall furnish evidence that the applicant... has at least two years of supervised postgraduate experience in marriage and family therapy satisfactory to the board.”²⁹ This amendment also corrects an error in referring to subpart 6, as Rule 5300.1555 has only subparts 1-5.

Rule 5300.0155, subpart 2 (Submission of application for LAMFT licensure and timing of completion of LMFT experience hours).

Rule 5300.0155, subpart 2A. This amendment describes a revised licensure process, as described elsewhere in Rules 5300.0125 (renumbered from Rule 5300.0135) for LAMFTs, Rule 5300.0130 for LMFTs, and Rule 5300.0240, regarding examinations, discussed below. Applicants must still submit an application within six months of beginning a postgraduate supervised experience, as in the past, but under this amendment they would be applying for LAMFT licensure upon passage of the state examination with passage of the national examination not required to obtain the LAMFT license.

Rule 5300.0155, subparts 2B, 2C, and 2D. Subpart 2B limits postgraduate hours that will meet the experience requirement to hours logged within six months of the date an individual applies for LAMFT licensure. This is necessary to ensure that hours that count toward licensure are current and not stale. Six months, and not longer, is a reasonable length of time.

Subpart 2B is an exception to the six-month limit for applicants who logged postgraduate experience hours in another jurisdiction. This exception is a reasonable and necessary way of acknowledging reciprocity with other jurisdictions, as reflected in Rule 5300.2600 (“Reciprocity”). Subpart 2C makes the same exception for applicants whose college degree in marriage and family therapy was earned prior to August 1, 2016. This exception is reasonable and necessary as these applicants, who are now few in number, may have logged postgraduate experience hours under the current rules, which contain no time limit on which hours can be used to meet experience requirements for marriage and family therapist licensure.

Rule 5300.0155, subpart 3, 3A (Years of experience; computation). These amendments will both make the supervised client contact experience less burdensome for the applicant and better serve clients by allowing therapy to be provided by videoconference, to acknowledge the change in the way therapy is now often delivered since the COVID-19 pandemic. These amendments also provide needed clarification that the 1,000 hours of supervised clinical contact must be the practice of marriage and family therapy, as defined in statute. The 1,000 hours must also include at least 500 hours of relational therapy (as defined in proposed Rule 5300.0100, subpart 12b), which is necessary to acknowledge

²⁹ Minn. Stat. Sec. 148B.33, subd. 1, provides in part that “an applicant for a license shall furnish evidence that the applicant... has at least two years of supervised postgraduate experience in marriage and family therapy satisfactory to the board.”

relational therapy as an established therapeutic approach, and must include assessment, diagnosis, and treatment of illnesses and disorders that an LMFT commonly sees in practice.

Rule 5300.0155, subpart 3C. Currently this subpart provides that a licensed mental health professional (as defined in Minn. Stat. Secs. 245.462 or 245.4871) may supervise no more than 2,800 hours of an applicant's 4,000 hours of supervised postgraduate experience, and that the experience must include "assessment, diagnosis, and treatment of mental illness, and cognitive, emotional, and behavioral disorders, as well as all other professional responsibilities." The amendments refer instead to the list of qualifications of a licensed mental health professional found in Minn. Stat. Sec. 245I.04, subd. 2, as Minn. Stat. Secs. 245.462 and 245.4871 simply defer to Minn. Stat. Sec. 245I.04, subd. 2. The reference to "assessment, diagnosis, and treatment of mental illness..." has been moved to Rule 5300.0155, subpart 3A.

The amendments also clarify that the 2,800 hours that may be supervised by a licensed mental health professional are *nonclinical* hours and includes a clearer definition of nonclinical hours (that is, "education, training, documentation, consultation, and all other professional responsibilities related to the supervised practice of marriage and family therapy").

Rule 5300.0155, subpart 3D. Currently this subpart requires only that an applicant permanently keep a detailed log of all professional activity during the 4,000 hours of supervised postgraduate experience. The amendment would add reasonable requirements to improve record-keeping by (1) requiring the log to include the number of hours spent on professional activities, (2) requiring the applicant and supervisor to review the hours logged at least monthly, and (3) requiring the applicant and supervisor to record the hours spent in reviewing the log and verifying the hours. These amendments are reasonable and necessary enhancements to the important oversight role a log of professional activities.

Rule 5300.0155, subpart 4 (Supervision requirements). This amendment clarifies that supervision requirements that follow apply to both the 4,000 postgraduate experience and the minimum 200 hours of supervision required under Rule 5300.0155, subpart 3B (which is not being amended).

Rule 5300.0155, subpart 4A. This amendment clarifies that clinical client contact must be supervised by an LMFT who meets the requirements of Rules 5300.0160 ("Requirements of Supervisor") and 5300.0170 ("Responsibilities of Supervisor"). A requirement that a minimum of every fifth hour of clinical client contact (and a minimum of 200 hours) must be supervised has been deleted and replaced by new subpart 4D, below, requiring supervision by an LMFT or secondary supervisor at the rate of "a minimum two hours of supervision every four weeks when the applicant provides any amount of clinical client contact." This reduction is both reasonable and necessary, as it is more manageable for the applicant and supervisor(s) while ensuring an adequate number of supervised hours.

Rule 5300.0155, subpart 4B. This amendment removes a restriction against counting more than 100 hours of supervision toward licensure in any 12-month period, which was unnecessarily restrictive. It also removes a reference to subpart 4A, containing a minimum ratio of supervised hours to client contact hours, which is replaced by a new ratio of supervised hours to client contact hours contained in subpart 4D below. This amendment also provides that supervision using the new option of a non-LMFT supervisor (“secondary supervisor”) must be provided concurrently with supervision by an LMFT supervisor.

Rule 5300.0155, subpart 4C. This new subpart provides that LMFT and non-LMFT (“secondary”) supervisors must have procedures in place for communicating with each other about an applicant’s supervised practice, and that only the LMFT supervisor has clinical responsibility for the applicant’s clinical client contact.

Rule 5300.0155, subpart 4D. This new subpart replaces the ratio of supervised hours to total hours of client contact that is currently contained in subpart 4A. The new, more manageable ratios are (1) at least two hours of supervision every four weeks by the LMFT supervisor when the applicant provides any clinical client contact, and (2) at least one hour of supervision for every 20 hours of therapy provided by the applicant to be provided by either an LMFT or non-LMFT (“secondary”) supervisor.

Current subpart 4D, which provides that “up to 25 percent of the required supervision may be received via secure, synchronous electronic means” is deleted in favor of new subpart 4F, below, that eliminates limitations on electronic supervision.

Rule 5300.0155, subpart 4F. This new subpart replaces current subpart 4D, which limited electronic supervision to 25 percent of total supervision. This limit is unnecessary and the amendment is reasonable, given the effectiveness of electronic supervision using widely available electronic means of communication.

Rule 5300.0155, subparts 4G and 4H. Subpart 4G (formerly subpart 4E) is amended to improve supervision by focusing it on the clinical client contact provided by the supervisee. New subpart 4H is reasonable, as it is added to better define and clarify what supervision is and is not, which will assist both supervisors and applicants.

RULE 5300.0160 -- REQUIREMENTS FOR SUPERVISOR

Rule 5300.0160, subpart 1 (Requirements for Supervisor). Subpart 1 is repealed as there is no longer any need for separate requirements that apply to supervisors listed before and after August 1, 2016. The amended requirements stated below now apply to all supervisors, including the newly created category of non-LMFT (“secondary”) supervisor.

Rule 5300.0160, subpart 2 (Board-approved LMFT supervisor requirements).

Rule 5300.0160, subpart 2B. This amendment removes the requirement that LMFT supervisors must have 4,000 hours of experience in clinical practice, which the Board found was excessive and unnecessary due to the existing requirement of four years of licensure as an LMFT.

Rule 5300.0160, subpart 5 (Secondary supervisor requirements). This new subpart contains requirements for a new “secondary supervisor,” who may provide clinical supervision of an applicant under new Rules 5300.0100, subpart 12c, and 5300.0155, subpart 4B. A secondary supervisor must have been a qualifying mental health professional under Minn. Stat. Sec. 245I.04, subd. 2³⁰ for at least four years, not subject to professional discipline/corrective action, authorized to provide licensure supervision by the secondary supervisor’s licensing board, and agree to carry out the responsibilities of supervisory in amended Rule 5300.0170.

Rule 5300.0160, subpart 6 (Supervisor status revocation). This new subpart contains rules for automatically ending LMFT or secondary supervisory status if a supervisor no longer holds the relevant license or no longer meets supervisory requirements. It requires the supervisor to notify the Board if the supervisor ceases to meet the qualifications or licensure requirements on which supervisor status was based. It also provides that the Board must provide written notice of the revocation of a supervisor’s status to the supervised individual within 90 days of the revocation. These amendments are necessary to ensure that supervision is always done by qualified supervisors, and places reasonable notice requirements on supervisors and the board when a supervisor no longer meets statutory qualifications.

RULE 5300.0170 -- RESPONSIBILITIES OF SUPERVISOR

Amendments and new additions to Rule 5300.0170 are reasonable and necessary as they better define supervision responsibilities of the LMFT supervisor of licensure applicants, codify the requirements for supervisors to maintain a supervision record for each supervisee to include supervisor responsibility form, copy of supervision agreement or contract (if one exists), dated record of supervision sessions and notation on any issue which may prevent supervisee providing MFT services which meet a reasonable standard of care, and record of any concurrent LMFT or secondary supervisors.

Rule 5300.0170, subpart 1 (Scope of supervision). New subpart 1 clarifies a requirement currently contained in Rule 5300.0155, subpart 4A, that until an applicant is licensed as an LMFT, the applicant’s clinical client contact must be supervised by an LMFT supervisor. New subpart 1 also provides that

³⁰ Includes certain registered nurses, licensed independent clinical social workers, psychologists, certain physicians, marriage and family therapists, and licensed professional clinical counselors.

supervision must be “regular and sufficient” enough to both ensure public protection and meet the requirements of revised Rule 5300.0155, subpart 4 (“supervision requirements”). This requirement is both reasonable and necessary as it continues but clarifies an existing requirement of supervision of client contact until an applicant is licensed as an LMFT, which helps to meet the paramount goal of public protection.

Rule 5300.0170, subpart 2 (Supervisor responsibilities). New subpart 2 more comprehensively defines supervision and its responsibilities than does the basic description in Rule 5300.0100, subpart 16 (as amended) and existing supervisor requirements contained in this subpart. This new subpart requires supervisors for the first time to maintain a supervision record for each supervisee that includes a supervisor responsibility form, a copy of supervision agreement or contract (if one exists), a dated record of supervision sessions, a notation on any issue which may prevent supervisee providing marriage and family therapy that meets a reasonable standard of care, and a record of any concurrent LMFT or secondary supervisors. These are reasonable and necessary enhancements to current supervisor record-keeping requirements.

This new subpart also contains detailed competencies and responsibilities for supervisors that do not currently exist in statute or rule, including, ensuring that all supervised work is conducted in an appropriate professional setting, monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions, and reviewing the supervisee's progress notes, process notes, or other patient treatment records as deemed appropriate by the supervisor.

RULE 5300.0175 -- LICENSURE PROCESS FOR LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS

RULE 5300.0180 -- LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS

RULE 55300.0190 -- PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION

The three rules above are repealed, as the requirements for licensure are reordered and streamlined for greater efficiency and the benefit of applicants. The elements of the licensure process have not been significantly altered. The licensure processes and procedures for admission to the written examination are now contained in Rule 5300.0200, below.

RULE 5300.0200 -- PROCEDURES FOR APPLICATION FOR STATE LAMFT AND LMFT LICENSURE

Rule 5300.0200, subpart 1 (LAMFT licensure requirements). This subpart is split into two parts. New subpart 1 covers LAMFT licensure and new subpart 1a covers LMFT licensure. This revised rule reduces the number of applications on the path to LMFT licensure from three to two. The first application is for

LAMFT licensure and admission to the national examination, and the second application is for LMFT licensure.

New subpart 1 provides that an LAMFT license will be issued upon (1) filing of an application for associate licensure and admission to the national examination in marriage and family therapy, (2) payment of the statutory required fee, (3) providing required transcripts from an accredited institution that meet the requirements of Rule 5300.0135, subpart 1A, (4) completion of a criminal background check, and (5) passage of the state examination as administered by the Board as specified in Rule 5300.0240. Upon the Board's approval of the application, the applicant will receive an LAMFT license and will be authorized to register for the national examination in marriage and family therapy. Also, a requirement that applications be notarized, which is burdensome and not needed, will be eliminated.

Rule 5300.0200, subpart 1a (LMFT licensure requirements). New subpart 1a provides that an LMFT license will be granted upon (1) submission of a completed application containing an affirmation (in lieu of notarization) that the statements are true and correct, and that the applicant will abide by applicable statutes and rules, (2) payment of the statutory fee, (3) verification of the supervised experience (as required under existing Rule 5300.0155, subpart 5), (4) providing attestation by the applicant's board-approved LMFT supervisor of the applicant's good moral character (as required under Minn. Stat. Sec. 148B.33, subd. 1(2), and (5) proof of passage of both the state examination administered by the Board and the national examination (as required under Rule 5300.0240, as amended).

Rule 5300.0200, subpart 2 (Verification of information; board's powers). This amendment recognizes that "application" can now refer to either an LAMFT application or an LMFT application.

Rule 5300.0200, subpart 2a (Time requirements). This amendment makes minor changes for clarity, and replaces a reference to a repealed fees statute, Minn. Stat. Sec. 148B.17, with the current fees statute, Minn. Stat. Sec. 148B.392.

Rule 5300.0200, subpart 3 (Denial of application for licensure). This amendment makes minor changes for clarity, and replaces a reference to a repealed fees statute, Minn. Stat. Sec. 148B.17, with the current fees statute, Minn. Stat. Sec. 148B.392.

Rule 5300.0200, subpart 4 (Notification by applicant required). This new subpart requires applicants for licensure to notify the Board within 30 days of changes to the applicant's contact information.

Rule 5300.0230. This rule is repealed and replaced by new attestation requirements contained in Rules 5300.0130 and 5300.0200.

RULE 5300.0240 -- EXAMINATION METHODS; SUBJECTS AND PROCEDURES

Rule 5300.0240, subpart 1 (LAMFT license; state examination required). Subpart 1 specifies that licensure as an LAMFT requires passage of the state examination administered by the Board.

Rule 5300.0240, subpart 1a (LMFT license; national and state examination required). Subpart 1a specifies that licensure as an LMFT requires passage of both the state examination and the national examination.

Rule 5300.0240, subpart 2 (Examination fee). This subpart is obsolete because of amendments to subpart 3, below, providing that an applicant who is approved to take the national examination must pay an examination fee directly to the test administrator when registering to take the national examination.

Rule 5300.0240, subpart 3 (National part of examination; payment of fee). This amendment does not change the national examination requirement, it just clarifies that the fee to take the national examination is payable to the national exam test administrator and not the Board, and that an exam fee is required each time an applicant takes the national exam.

Rule 5300.0240, subpart 4 (State part of examination). This amendment reflects the restructuring of the licensing process. Applicants will now submit an application for licensure as an LAMFT and then take the state examination administered by the Board. This subpart is otherwise unchanged, except for clarifications that the state examination will cover *Minnesota* statutes, rules, and code of ethics.

Rule 5300.0240, subpart 6 (Passing score required on examination). This amendment deletes a sentence determined to be duplicative or unnecessary.

Rule 5300.0240, subpart 7 (Reexamination permitted). This subpart is repealed as the Board has determined that it is appropriate to remove the limitation on the number of times an applicant may take the national examination during the postgraduate supervised experience period.

RULE 5300.0250 -- RECIPROCITY

Rule 5300.0250, subpart 1 (Other states recognized).

Rule 5300.0250, subpart 1A. This amendment removes “countries” as recognized for reciprocity. “Or country” was added to this rule in 1998³¹ as an accommodation to applicants who sought to obtain a Minnesota license through reciprocity based on holding a license from outside the United States. In the

³¹ See 23 SR 239 (July 27, 1998)

years since the change was adopted, the Board has found the process of determining whether the standards for licensure in foreign jurisdictions are at least equivalent to or exceed the requirements of Minn. Stat. Secs. 148B.29 to 148B.392 (as well as the rules of the board) to be too uncertain and administratively burdensome, especially considering the low number of such applicants.³² Applicants whose postgraduate education and degree was received from a foreign degree program or from a foreign institution of higher education may still qualify for reciprocity under Rule 5300.0145.

Rule 5300.0250, subparts 1B and 1C. This amendment reduces the time from five years to two years for LMFTs licensed in another U.S. jurisdiction who wish to obtain a Minnesota license by reciprocity. The Board has determined that requiring five years of licensure elsewhere to qualify for a Minnesota license by reciprocity was excessive and unnecessary and not aligned with the rules in other states, as well as a national trend toward lowering such reciprocity requirements. Lowering the minimum number of years of licensure elsewhere will make Minnesota licensure more available, it may increase the number of marriage and family therapists here, and will still adequately protect the public.

Rule 5300.0250, subpart 1D. This amendment also follows a national trend toward easing requirements for licensure based on reciprocity for individuals licensed in another U.S. jurisdiction. This amendment is a reasonable accommodation for applicants who have been licensed for at least two years and have not been the subject of adverse action against their license. For such applicants, the national examination requirement is considered satisfied. Applicants who have been licensed less than two years or have been subject to adverse action against their license must still document passage of the national examination or passage of the California LMFT Clinical Examination, which the State of California requires in lieu of the national examination. (Currently, the Board cannot accept passage of California's examination in lieu of passage of the national examination.) This will also make Minnesota licensure more available while still adequately protecting the public.

Rule 5300.0250, subpart 2 (Application required). Consistent with amendments to subpart 1A, above, this amendment limits licensure by reciprocity to individuals who are licensed in another U.S. jurisdiction. This amendment also replaces a reference to a repealed fees statute,³³ and replaces the requirement that applications (and affirmations contained in applications) be notarized with a requirement for simple attestation.³⁴

Rule 5300.0250, subpart 3 (Verification from other jurisdiction required). This amendment removes the requirement for applicants for licensure based on reciprocity to submit a copy of the current licensing laws and rules from the state in which they are currently licensed. This rule was adopted in

³² See Minn. Stat. Sec. 148B.56 ("Reciprocity").

³³ See also amendments to Rule 5300.0200, subpart 3, above.

³⁴ See also revised Rule 5300.0200, subpart 1a, above.

1990,³⁵ but it has not been enforced. The Board has determined that it is an unnecessary burden on applicants and not needed. This amendment also replaces a reference to a repealed fees statute with the current statute.³⁶

RULE 5300.0270 -- DISPLAY OF LICENSE

This amendment acknowledges the marked increase in the delivery of marriage and family therapy through video (telehealth), especially as a result of the COVID-19 pandemic. The Board has determined that a requirement for LAMFTs/LMFTs to provide license information upon the request of any individual (not just clients) is sufficient, and a need to display the license is no longer needed.

RULE 5300.0280 -- RENEWAL OF LICENSE

Rule 5300.0280, subpart. 2 (Notice of renewal). These amendments adjust for the Board's current practice of providing license renewal notices electronically, if requested by the licensee, or by U.S. Mail.

Rule 5300.0280, subpart 6 (Late fee). This amendment expands the rule on late renewal fees to add electronic license renewals and impose a time limit on late applications. Currently, a renewal application submitted by mail (or hand-delivered) to the Board any time after a license has expired is valid if a late fee is paid along with the renewal fee. This amendment provides that late renewal applications are valid only if (1) they received by the Board by U.S. Mail or electronically within 30 days of the license expiration date, and (2) a late fee is paid.

RULE 5300.0290 -- FAILURE TO RENEW

Rule 5300.0290, subpart 2A (Expiration of license). This amendment modifies the Board's notice to a licensee when their license has expired. Previously, the Board was required to send a written notice by U.S. Mail. This amendment allows the Board to provide the notice either by U.S. Mail or electronically, to the licensee's last known U.S. Mail or email addresses. This change will reduce the Board's costs and administrative burden, and more quickly and efficiently provide notice to licensees.

RULE 5300.0300 -- REINSTATEMENT OF LICENSE

Rule 5300.0300 (Reinstatement of License). This amendment creates separate provisions for LMFT and LAMFT license reinstatements, as their requirements are different.

³⁵ See 15 S.R. 940.

³⁶ See also amendments to Minn. R. 5300.0200, subp. 3, above.

Rule 5300.0300, subpart 1 (Requirements for LMFT license reinstatement). This amendment limits this subpart to LMFT license renewals.

Rule 5300.0300, subpart. 1B. This amendment allows former licensee (licensees whose license has expired) to *attest* to the accuracy of the statement that the licensee has not engaged in the practice of marriage and family therapy in any jurisdiction or used a title denoting marriage and family therapist since expiration of past license, rather than having to *swear* to the truth and correctness of the information in a notarized statement, which was an unnecessary burden.

Rule 5300.0300, subpart 1E. This subpart is repealed, and a former licensee is no longer required to include a letter stating the reasons for seeking license reinstatement. The Board has determined that it is an unnecessary burden on applicants seeking license reinstatement and not needed. Former subpart 1F, renumbered as subpart 1E, is also amended to remove an error that required former licensees seeking reinstatement to comply with rules for licensees whose license expired *fewer* than five years earlier *and* rules for licensees whose license expired *more* than five years earlier.

Rule 5300.0300, subpart 2 (Expiration of LMFT license less than five years). This amendment clarifies that this subpart applies to LMFT licensees only.

Rule 5300.0300, subpart 2B (Expiration of LMFT license less than five years). This amendment reduces the cost for reinstating an expired LMFT license by requiring payment of only the current annual license fee (along with statutory reinstatement fee), rather than paying for each year in which license was expired.

Rule 5300.0300, subpart 3 (Expiration of LMFT license more than five years). This amendment clarifies that this subpart applies to LMFT licensees only.

Rule 5300.0300, subpart 3B. (Expiration of LMFT license more than five years). Under subpart 3B, former LMFT licensees whose license expired more than five years before submitting a reinstatement application would no longer be required to again take and pass the national examination; taking and passing of the state examination only would continue to be required. The Board determined that the benefit of having former licensees retake and pass the national examination is outweighed by the deterrent effect this examination requirement has had on former licensees wishing to reinstate their licenses.

Rule 5300.0300, subpart 3D. (Expiration of LMFT license more than five years). This amendment reduces the cost for reinstating an expired LMFT license by requiring payment of the current annual licensing fee and the fee for the immediately preceding license period (along with the statutory reinstatement fee). Previously, reinstatement required payment of the current annual licensing fee and the fee for the licensing period for the four preceding years.

Rule 5300.0300, subpart 3a (Requirements for LAMFT license reinstatement). This new subpart contains general requirements for reinstatement of an LAMFT license. The requirements mirror the amended requirements for reinstatement of an LMFT license found in subparts 1A-E

Rule 5300.0300, subpart 3b (Expiration of LAMFT license less than five years). This new subpart provides that the only requirement for reinstatement of an LAMFT license that expired fewer than five years before the former licensee submits an application for reinstatement is payment of the current annual licensing fee and statutory reinstatement fee.

Rule 5300.0300, subpart 3c (Expiration of LAMFT license of five years or more). This new subpart contains requirements to reinstate an LAMFT license that expired more than five years earlier. These requirements are substantially similar to rules to reinstate an LMFT license that has been lapsed for at least five years. They are: (1) meet current education requirements, (2) retake and pass the state examination administered by the Board, and (3) pay the annual license fee for both the current and immediately preceding license terms.

Rule 5300.0300, subpart 4 (Practice Without a License). This amendment adds LAMFT licensure to the prohibition on the use of a title denoting licensure.

Rule 5300.0300, subpart 5 (Effect of Reinstatement). This amendment contains a grammatical change.

RULE 5300.0315 -- EMERITUS LICENSE STATUS

Subpart 1A (Emeritus status; requirements). This amendment simplifies the process to obtain an emeritus license by requiring applicants to submit a form provided by the Board rather than submitting a separate petition for emeritus status or by making such a request on an annual renewal application.

Subpart 2 (Limit on practice). This subpart cites the definition of “mental health professional” for purposes of prohibiting emeritus licensees from providing marriage and family therapy as a mental health professional. This amendment replaces two separate statutory references to the definition contained in Minn. Stat. Secs. 245.462, subd. 18, and 245.4871, subd. 27, with one definition contained in Minn. Stat. Sec. 245I.02, subd. 27.

RULE 5300.0320 -- CONTINUING EDUCATION REQUIREMENTS

Subpart 2 (Continuing education requirements). This amendment clarifies continuing education requirements for licensees and supervisors, including referencing the statutory requirement to receive four hours in cultural competency education, as required by Minn. Stat. Sec. 148B.31(b).

Subpart 2A. This amendment makes a grammatical change for clarity (“The hours must include...”) and clarifies that continuing education requirements apply only to LMFT licenses, as a supplement to

subpart 1A that states LAMFT licensees are not required to complete continuing education for license renewal.

This amendment also removes “professional socialization” and “professional organizations” as topics for ethics and professional studies education, as those phrases are vague and undefined, and incorporates a statutory requirement to include at least four hours of cultural competency education in the 40 total hours of biennial continuing education.

Subpart 2B. This amendment provides that LMFT supervisors must “devote at least ten percent of the required continuing education hours to supervision training and skills,” per Rule 5300.0170, subpart 2L (formerly subpart 2D), above.

Subpart 2C. This amendment clarifies and acknowledges that continuing education requirements may be met in any of three ways, in person, virtually, or on demand.

Subpart 2D. This amendment allows the Board to change continuing education reporting to a staggered system of reporting every two years following licensure instead of all licensees reporting in odd-numbered years. When this change is fully implemented it will ease the administrative burden on Board staff.

Subpart 3. This amendment incorporates the change in continuing education reporting (from odd years to every two years) discussed in subpart 2D, above, but it also clarifies that any licensees who has been licensed for fewer than two years at time of required continuing education reporting will be required to report a pro rata portion of the 40 hours continuing education hours due every two years.

Subpart 3a. This new subpart codifies a longstanding board practice to grant an automatic 90-day extension upon request of licensee to complete continuing education requirements. If an extension of more than 90 days is requested, the licensee is required to petition the board in writing for a variance, as provided in Rule 5300.0340.

Subpart 4. This amendment reduces from five years to two years the period of time a licensee must retain documentary proof of completing continuing education requirements, as the five-year requirement was unnecessary and burdensome.

Subpart 4C. This amendment clarifies that a licensee is required to maintain a continuing education approval number if one was issued by the Board under subpart 7C (below).

Subpart 4E. This amendment clarifies the verification process by requiring that continuing education hours must be verified by the program sponsor in the licensee’s documentation of attendance or completion.

Subpart 4F. This amendment simplifies and reduces the burden of continuing education reporting by removing a requirement to submit a signed certification, and instead requires documentation of attendance or program completion. The need for this amendment is based on the fact that signed certificates are not always available.

Subpart 5 (Audit of continuing education).

Subpart 5A. This amendment substitutes “cycle” for “year” to recognize that different licensees may report on continuing education at different times if staggered two-year reporting cycles are adopted in the future.

Subpart 5B. This new subpart gives licensees the right to request a variance under Rule 5300.0340 if a Board audit determines that the licensee has failed to verify compliance with continuing education reporting rules.

Subpart 6 (Courses; continuing education content). Amendments to subpart 6 are a response to the administrative burden on the Board and staff because of an increasing number of LMFT licensees, which currently total approximately 3,000, and the related significant increase in requests for Board approval of continuing education activities experienced over the past several years. These changes remove the requirement that all continuing education activities be submitted to the Board for prior approval. Instead, a licensee may complete any continuing education that satisfies the requirements of this rule as further detailed in subparts 6A-6G.

Subpart 6A and 6B. These subparts have language changes for clarity and to require that education demonstrate relevance to the current therapeutic practices of marriage and family therapy and development/maintenance of current professional skills.

Subpart 6C. This subpart describes two types of educational activities, structured educational programs with an instructor, and home study courses. It has been moved to subpart 9 (“sources of credit”), below, where the Board determined it more logically fits.

Subparts 6C and 6D (formerly subparts 6D, 6E, 6F, and 6G). These amendments contain no substantive changes and have a purpose of improving phrasing and clarity, with two exceptions. Home study activities, which is an archaic term, has been removed, along with a requirement that proof an activity lasted at least one hour must be submitted.

Subpart 7, 7A-7G (Sponsor or individual continuing education program application). The main purpose for these amendments is to clarify that either LMFT licensees or continuing education program sponsors may submit an application for approval of a continuing education activity. This will allow licensees to seek approval for continuing education activities even if the sponsor of the activity

has not submitted an application for approval with payment of the required application fee. The amendment to subpart 7B(5) includes a minor administrative change, and the amendment to subpart 7B(2) includes a grammatical correction.

Subpart 8. This subpart, titled “A licensee’s application for course approval,” was a procedure for LMFT licensees to submit an application, free of charge, for approval of a continuing education activity that had not been submitted by the activity sponsor. This subpart is obsolete and is repealed based on amendments to subpart 7, above.

Subparts 9A, 9B, and 9C (Sources of credit). Amended subpart 9 describes other education activities that qualify for continuing education credit. Amended subpart 9A and new subparts 9B and 9C contain continuing education activities that were formerly contained in subpart 6.

Subpart 9D (formerly 9B). This amendment clarifies that credit for teaching a marriage and family therapy course is only available at institutions that are regionally accredited. Other amendments are for grammar and clarity.

Subpart 9E (formerly 9C). This amendment removes the requirement for board preapproval of original research related to marriage and family therapy but then specifies the information that must be contained in documentation of the original research project that is maintained by the licensee.

Subparts 9F and 9G (formerly 9D and 9E). These subparts contain amendments for grammar or clarity only.

Subpart 9H (formerly 9F). This amended subpart is a “catch-all” that allows licensees to obtain continuing education credit for independent study activities related to marriage and family therapy that are not otherwise listed in this rule. This amended subpart also specifies the information that must be contained in documentation of the activity, similar to documentation of original research projects contained in subpart 9E (formerly 9C), above.

RULE 5300.0330 -- REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION OF LICENSE

Subparts 1 (Board authority) and subpart 2 (Conviction of crime). These amendments reflect changes to statutory citations and removal of certain crimes from the list of crimes “of a nature to render the convicted individual unfit to practice marriage and family therapy.” On the advice of the Minnesota Attorney General’s Office, Minn. Stat. Sec. 609.20 (“Manslaughter in the First Degree”) is removed. Minn. Stat. Sec. 609.21, which was renumbered as Minn. Stat. Secs. 609.2112-609.2114 (“Criminal Vehicular Homicide/Operation”), is also removed.

Subparts 3 (Probation) and 4 (Suspended or revoked license; return to the board). Subpart 3 is repealed as outdated and not a disciplinary action used by the Board. Subpart 4 is repealed as the Board no longer requires suspended or revoked licensees to return their licenses.

Subpart 5 (Restoring a license). This amendment reflects a change to a statutory citation, as Minn. Stat. Sec. 148B.17 was repealed and replaced by Minn. Stat. Sec. 148B.392, subd. 2.

RULE 5300.0350 -- CODE OF ETHICS

Subpart 4C(2) (Integrity). This amendment enhances the Board’s ability to protect former students, interns, employees, or supervisees. It adds a requirement that if a complaint alleging sexual contact is submitted by one of these individuals, the licensee bears the burden of proving that the complainant was not emotionally dependent upon the licensee and that the sexual behavior was not the result of therapeutic deception.

Subpart 4F. This amendment retains the requirement that a licensee must make a prompt referral upon request of a client while removing unnecessary and/or outdated language regarding third-party payors.

Subpart 4M. This amendment reflects a change to a statutory citation, as Minn. Stat. Sec. 148B.07 (“Reporting Obligations”) was repealed and replaced by Minn. Stat. Sec. 148B.381, subd. 4.

Subpart 4S. This amendment includes a reasonable and necessary clarification that a licensee’s required pursuit of knowledge must include knowledge of the laws and administrative rules governing the practice of marriage and family therapy in Minnesota.

Subpart 5E(2) (Relations to clients). Similar to the amendment to subpart 4C(2), above, regarding sexual contact with former students, interns, employees, or supervisees, this amendment adds a requirement that if a complaint alleging sexual contact is submitted by a former client, the licensee bears the burden of proving that the former client was not emotionally dependent upon the licensee and that the sexual behavior was not the result of therapeutic deception.

Subpart 5P. This amendment more accurately describes the delivery of marriage and family therapy by telehealth, which is through real-time, two-way interactive audio and visual communication instead of through “telephone and Internet.”

Subpart 6. Confidentiality and keeping of records.

Subpart 6I. This amendment reflects a change to a statutory citation, as Minn. Stat. Sec. 148B.11 (“Professional Accountability”) was repealed and replaced by Minn. Stat. Sec. 148B.372.

Subpart 6L. This amendment reflects the transfer of recording-keeping requirements from this subpart to new Rule 5300.0351, below.

RULE 5300.0351 -- RECORD-KEEPING REQUIREMENTS

Subpart 1. Record-keeping requirements. This subpart contains record-keeping requirements that were transferred from Rule 5300.0350, subpart 6L, within the Code of Ethics. The new record-keeping requirements are modeled on those of the Minnesota Board of Behavioral Health and Therapy,³⁷ but are expanded and will better serve marriage and family therapy clients. For example, treatment records will now be required to include documentation of services, including assessment methods, data, and reports, along with case notes for each date of service. The requirement to maintain a record of “diagnoses or descriptions of problems” addresses record requirements when a formal diagnosis is not present or required.

Subpart 2. Duplicate records. New subpart 2 clarifies that licensees are not required to maintain client records that duplicate records that already exist elsewhere.

Subpart 3. Records retention. New subpart 3 contains a new requirement that licensee must maintain client records for at least seven years after the last date of service, except as otherwise specified in rule or law, or contract. For clients who are or were minors, the seven-year retention rule begins when the client turns 18.

RULE 5300.0355 -- ASSESSMENTS, TESTS, REPORTS

Subpart 2 (Administration and interpretation of tests). This amendment makes a grammatical change only.

Regulatory Analysis

Minn. Stat. Sec. 14.131 requires the Board address eight factors as part of the SONAR. These factors are listed and addressed in detail below.

Classes Affected

Applicants for licensure from the Board will be positively affected by the restructuring/reordering of the licensure process, as obtaining an LAMFT license and beginning the postgraduate experience (and the pathway to LMFT licensure) can begin sooner under the revised process.³⁸ Marriage and family

³⁷ Minn. R. 2150.7535 (“Record-Keeping”), adopted in 2004.

³⁸ Minn. R. 5300.0135, subp. 1; Minn. R. 5300.0155, subp. 2; Minn. R. 5300.0200, subp. 1, 1a; Minn. R. 5300.0240

therapy clients will probably also be positively affected, as they will have earlier and greater access to therapy with LAMFTs. Applicants for licensure will be positively affected by a new rule allowing a portion of the required clinical supervision to be provided by secondary supervisors.³⁹ This change allowing secondary supervisors may result in reduced cost of required supervision for some license applicants.

Applicants will be positively affected by a new rule requiring the Board to inform an applicant who is denied licensure in writing of the denial, the reasons for the denial, and the right to a hearing within 30 days of receiving notice of denial.⁴⁰

Licensees will be positively affected by separating rules for reinstatement between LAMFTs and LMFTs.⁴¹ Both classes of licensees will probably be positively affected by greater clarity in the reinstatement rules and process and the reduction in fees required to obtain license reinstatement. This change will result in a minor cost reduction for some licensees.

Licensees will also be positively affected by a new rule clarifying that continuing education may be obtained either in person, virtually, or on-demand.⁴² This change may have beneficial cost effect on licensees, as virtual and on-demand options are generally less costly.

The Board and its staff will be positively affected by the change allowing a future switch to a staggered two-year continuing education reporting period as this will reduce administrative burden.⁴³

Licensees will be positively affected by other changes to continuing education requirements, including clarification of what are acceptable continuing education activities, allowing a 90-date extension to complete continuing education, requiring retention of continuing education documentation for only two years instead of five years, , and allowing licensees to request a variance if a Board audit determines that the licensee has failed to comply with continuing education verification requirements.⁴⁴

Marriage and family therapy clients will benefit from a new rule that shifts the burden to licensees to demonstrate that when there is an allegation against a therapist of prohibited sexual contact with a client, the client was not emotionally dependent upon the therapist, and that the sexual behavior was

³⁹ Minn. R. 5300.01 60, subp. 5.

⁴⁰ Minn. R. 5300.0135, subp. 2.

⁴¹ Minn. R. 5300.0300.

⁴² Minn. R. 5300.0320, subp. 2C.

⁴³ Minn. R. 5300.0320, subp 3.

⁴⁴ Minn. R. 5300.0320.

not the result of therapeutic deception.⁴⁵ Licensees who are the subject of such complaints will also be affected, but the Board believes it is appropriate to shift the burden in this manner.

Clients and licensees will benefit from changes to record-keeping requirements, as there will be clearer and more detailed records of therapy provided, and records will now clearly be required to be maintained for seven years.⁴⁶

Department/Agency Costs

Beyond the costs associated with the Board’s promulgation of these rules, it is not anticipated that implementation and enforcement of these rules will result in additional costs to the Board or any other state agency. Additionally, it is not anticipated that these rules will have any effect on state revenues.

Less Costly or Intrusive Methods

There are no less costly methods or less intrusive methods for achieving the purpose of the proposed rules. These rules exist to administer the LAMFT and LMFT licensure processes under the Marriage and Family Therapy Practice Act, Minn. Stat. Secs. 148B.29 to 148B.392. The amended rules and new rules described above are designed to streamline and improve the licensure processes while maintaining their integrity and quality and ensuring protection of clients and the public. There are no less costly or intrusive methods for doing so, other than by periodically reviewing the rules and making reasonable and necessary changes.

Alternative Methods

The Board did not seriously consider any alternative methods for achieving the purpose of the proposed rules. The purpose of the proposed rules is to streamline and improve the rules regarding licensure, continuing education, record-keeping, and prohibited sexual activity by licensees. The Board did not find any alternative methods for achieving that purpose.

Costs to Comply

The proposed rules will have little to no cost for governmental units, businesses or individuals.

⁴⁵ Minn. R. 5300.0350, subps. 4C(2) and 5E(2).

⁴⁶ Minn. R. 5300.0351.

Costs of Non-Adoption

This probable costs or consequences of not adopting the proposed rule amendments and new rules would be an unnecessary delay in implementing these changes that will significantly streamline and improve the path to LMFT licensure by restructuring it, expanding and improving supervision options, making needed updates and clarification to terminology, and enhancing protections for clients who report allegations of prohibited sexual conduct by licensees. All of these changes will benefit applicants and clients.

Differences from Federal Regulations

None of the proposed amendments are in conflict with any federal regulations.

Cumulative Effect

The Board has found no cumulative effect with any existing rules and any of the proposed rules. Most of the proposed rules are amendments to existing rules to clarify or improve them. For example, the proposed amendment to Rule 5300.0170, subpart 2 (“Supervisor responsibilities”) will better and more clearly describe the responsibility of a supervisor.

To the extent new rules are proposed, the purpose is to enhance existing rules. For example, a new category of “secondary supervisor” will expand supervision options that will benefit applicants directly and the Board indirectly, as the change will ease the process of obtaining a supervisor.⁴⁷ There will be no cumulative effect from any of the proposed amended or new rules.

Notice Plan

Minn. Stat. Sec. 14.131, requires that an agency include in its SONAR a description of its efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

Details on the previous measures taken to ensure stakeholders received both required and additional notice of this rulemaking during the Request for Comments and rule development period can be found on page 9 of this SONAR.

⁴⁷ For example, Minn. R. 5300.0100, subp. 12c (new subpart); Minn. R. 5300.0155, subp. 4B (new subpart); Minn. R. 5300.0160, subp. 5 (new subpart).

Required Notice

The Board is required under Minn. Stat. Sec. 14 to identify and send notice to several groups. The steps the Board will take to meet those statutory requirements are laid out in detail below.

Consistent with Minn. Stat. Sec. 14.14, subd. 1a, on the day a Notice of Intent to Adopt Rules is published in the *State Register*, the Board will send via email (or U.S. mail, if there are such requests) a copy of the Notice and the proposed rules to the contacts on the Board's list of all persons who have registered with the Board for the purpose of receiving notice of rule proceedings. There are roughly 2,600 people on the Board's list of persons who have requested notice of all rule proceedings via GovDelivery; the Board currently has no record of people requesting notice by US Mail. The Notice will be sent at least 33 days before the end of the comment period.

Consistent with Minn. Stat. Sec. 14.116(b), the Board will send a copy of the Notice of Intent to Adopt Rules, a copy of the proposed rules, and a copy of the SONAR to the chairs and ranking minority party members of the Minnesota House Health Finance and Policy Committee, and the Minnesota Senate Health and Human Services Committee, and the Legislative Coordinating Commission. These documents will be sent at least 33 days before the end of the comment period.

Consistent with Minn. Stat. Sec. 14.131, the Board will send a copy of the SONAR to the Legislative Reference Library when the Notice of Intent to Adopt Rules is sent.

Additional Notice

The Board also intends to send an electronic notice with a hyperlink to electronic copies of the Notice, SONAR, and proposed rule to:

1. Everyone who has registered to be on the Board's rulemaking mailing list under Minn. Stat. Sec. 14.14, subdivision 1a; and
2. A copy of the Notice of Intent to Adopt Rules, proposed rules, and this Statement of Need and Reasonableness shall be mailed to the Legislature according to Minnesota Statutes, section 14.116. The following is a list of the Legislators:
 - A. House – Health Finance and Policy Chairs and Vice-Chairs;
 - B. House – Rules and Legislative Administration Chairs and Vice-Chairs;
 - C. Senate – Finance Chair and Ranking Minority Member;
 - D. Senate – Health and Human Services Chair and Ranking Minority Member;
 - E. Senate – Rules and Administration Chair and Ranking Majority Member;

F. Legislative Coordinating Commission.

Minn. Stat. Secs. 14.131 and 14.23 require that the Board also describe its efforts to provide additional notice to individuals who may be affected by the proposed rules. The Board's Additional Notice Plan includes the following:

1. Since 2019, the Board's Rules Committee has properly noticed meetings to develop the proposed rules fourteen times. The Board disseminated notice of these public meetings to those who are directly affected by the rules or who expressed an interest in the rules. The Board also posted the meeting dates on its website. Drafts of the proposed rules were distributed and reviewed during these public meetings.
2. On October 23, 2024, the Board posted a draft copy of the proposed rule changes on the Board's website, making it accessible to LMFTs, LAMFTs, students in LMFT programs, state legislators, educational institutions, other health boards, and members of the public.
3. On May 12, 2025, the Board provided notice of the publication of the Request for Comments in the State Register by emailing all persons on the Board's administrative rulemaking GovDelivery emailing list.
4. On May 12, 2025, the Board posted on its website a link to the publication of the Request for Comments in the State Register, making it accessible to LMFTs, LAMFTs, students in LMFT programs, state legislators, educational institutions, other health boards, and members of the public.
5. The Board will post a draft of this Statement of Need and Reasonableness on the Board's website, <http://mn.gov/health-licensing-boards/marriage-and-family/>. All future notices involving these proposed rules will also be posted on the Board's website.

With the exception of number 1 above, the Board will follow the same procedure outlined above for the Notice and all other notices required throughout the rulemaking process.

Performance-Based Rules

Minn. Stat. Sec. 14.002 requires state agencies, whenever feasible, to develop rules that are not overly prescriptive and inflexible, and rules that emphasize achievement of the Board's regulatory objectives while allowing maximum flexibility to regulated parties and to the Board in meeting those objectives.

Strictly performance-based rules would set objectives and leave the manner of achieving those objectives to the regulated parties. However, Minn. Stat. Secs. 148B.31 and 214.06 assigns responsibility to the Board, among other statutory requirements, to (1) adopt and enforce rules for marriage and family therapy licensing to protect the public, (2) develop by rule appropriate techniques, including examinations and other methods, for determining whether applicants and licensees are

qualified, (3) study and investigate the practice of marriage and family therapy within the state in order to improve the standards imposed for the licensing of marriage and family therapists and to improve the procedures and methods used for enforcement of the board's standards, and (4) specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees.⁴⁸

The rules proposed by the Board are reasonable in their prescriptiveness and flexibility and moreover are not significantly more prescriptive or less flexible than the Board's current rules. In instances where the proposed rules are more prescriptive, for example, the new documentation requirements for the 200 hours of clinical supervision requiring the maintenance of a supervision record to include a log of each supervision session which identifies specific issues that may prevent the supervisee from meeting a reasonable standard of care, acknowledge the shared responsibility between supervisor and supervisee to monitor and address any incidents that do not meet a current standard of care in marriage and family therapy.⁴⁹

Another example of increased flexibility of the proposed rules is the optional "secondary supervisor," who does not need be an LMFT and who may provide a portion of the 200 hours of licensure supervision. The proposed rules will allow more flexibility in accessing acceptable supervisors from a broader number of workplaces and geographic locations, with supervision still able to occur either in-person or by videoconference technology.⁵⁰

Perhaps the most notable example of changes in the proposed rules that will bring increased flexibility while not being unnecessarily prescriptive is the restructuring and reordering of the licensure process. Under current rules, an applicant must pass the more rigorous national examination to obtain an LAMFT license and be eligible to practice under the supervision of a board-approved LMFT supervisor.⁵¹ Under the proposed rules, applicants for LAMFT licensure need only pass the state examination administered by the board, in addition to other requirements. Once an LAMFT license is issued, an applicant may register for the national examination and continue the postgraduate supervised experience.⁵²

Consultation with MMB on Local Government Impact

As required by Minn. Stat. Sec. 14.131, the Board will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's

⁴⁸ Minn. Stat. Secs. 148B.31 and 214.06.

⁴⁹ Minn. R. 5300.01. 70, supb. 2.A.(3).

⁵⁰ Minn. R. 5300.0150, subp. 3A (revised rule) and 4F (new rule).

⁵¹ Minn. R. 5300.0135, 5300.0175, and 5300.0240.

⁵² Minn. R. 5300.0200, subp. 1 and 1a, 5300.0240.

Office for review and approval on the same day we send them to the Governor's office. We will do this before the Board publishes the Notice of Intent to Adopt Rules. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Board will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to CAH at the hearing or with the documents it submits for ALJ review.

Impact on Local Government Ordinance and Rules

As required by Minn. Stat. Sec. 14.128, subd. 1, the Board has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Board was unable to identify any local ordinances or regulations that would require amendment in order to implement the proposed amendments.

Costs of Complying for Small Business or City

Agency Determination of Cost

As required by Minn. Stat. Sec. 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

Authors, Witnesses, and Exhibits

Authors

The primary authors of this SONAR are Jennifer Mohlenhoff, Executive Director, Minnesota Board of Marriage and Family Therapy, and Kevin Slator, Rulemaking Attorney, Minnesota Department of Human Services.

Witnesses

If these rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

- Jennifer Mohlenhoff, Executive Director, Minnesota Board of Marriage & Family Therapy.
- One or more Board member having participated in the Board's Rule Review Committee meetings and/or public listening sessions

Conclusion

In this SONAR, the Department has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules 5300.0100 to 5300.0355. The Board has provided the necessary notice and documented its compliance with all applicable administrative rulemaking requirements of Minnesota statute and rules.

Based on the foregoing, the proposed amendments are both needed and reasonable.

Jennifer L.
Mohlenhoff

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Jennifer L. Mohlenhoff
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12:57:52 -05'00'

Jennifer Mohlenhoff, Executive Director
Minnesota Board of Marriage and Family Therapy

Date