

Dear Senators HEIDER, Souza, Jordan, and
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - ID Licensing Board of Professional Counselors & Marriage & Family Therapists:

IDAPA 24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists - Temporary and Proposed Rule (Docket No. 24-1501-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 08/23/2018. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/21/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Legislative Research Analyst - Matt Drake

DATE: August 06, 2018

SUBJECT: Bureau of Occupational Licenses - ID Licensing Board of Professional Counselors & Marriage & Family Therapists

IDAPA 24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists - Temporary and Proposed Rule (Docket No. 24-1501-1801)

Summary and Stated Reasons for the Rule

The Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists submits notice of temporary and proposed rulemaking at IDAPA 24.15.01. The proposed rule implements House Bill 350 of 2018, effective July 1, 2018. House Bill 350 took requirements to become licensed marriage and family therapists (and associate therapists) out of statute and instead allows the licensing board to administer those requirements by rule. This approach is consistent with how licensing requirements are presently handled for other licensed counselors in Idaho. Accordingly, the proposed rule establishes the licensing requirements for associate marriage and family therapists and marriage and family therapists. It further states qualifications for interns to practice with supervision while completing licensing requirements. The rule adopts Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) graduate programs as meeting all education requirements. Relative to the previous statutory requirements, the rules increase flexibility to complete both practicum and supervised experience hours, which the licensing board states will reduce tuition and supervision costs for applicants.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted because the rule is temporary. There is no fiscal impact.

Statutory Authority

The rulemaking appears to be authorized pursuant to section 54-3404, Idaho Code.

cc: Bureau of Occupational Licenses - ID Licensing Board of Professional Counselors & Marriage & Family Therapists
Tana Cory

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
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Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

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***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.15.01 – RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

DOCKET NO. 24-1501-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-3404(3), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 15, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

On July 1, 2018 House Bill 350 became effective, and this temporary/proposed rule is necessary to implement the new law. House Bill 350 amended the qualifications for licensure of Marriage and Family Therapists and Associate Marriage and Family Therapists to allow the Board to establish education requirements in rule. These rules reduce the costs and barriers to licensure by creating additional pathways to obtain an Associate Marriage and Family Therapist license. It also allows an individual to work under supervision while completing requirements for a Marriage and Family Therapist license. These rules accept the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) graduate programs as meeting all education requirements, which eliminates the need for many current applicants to take additional coursework and improves portability from other states. Finally, these rules increase flexibility to complete both practicum and supervised experience hours, which reduces tuition and supervision costs for applicants.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

On July 1, 2018 House Bill 350 became effective. This temporary/proposed rule is necessary to implement the new law.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this is a temporary rule.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jennifer Carr at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 22, 2018.

DATED this 6th Day of July, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 24-1501-1801
(Only Those Sections With Amendments Are Shown.)**

010. DEFINITIONS (RULE 10).

01. Board. The Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists as prescribed in Section 54-3401, Idaho Code. (3-13-02)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-3404 and 67-2602, Idaho Code. (3-13-02)

~~**03. Registered Intern.** A registered intern shall be defined as a person who is obtaining required supervised experience for licensure in a course of study provided by an institution of higher education or a person who is in a private practice setting acting under direct supervision. (3-29-12)~~

043. Accredited University or College. An accredited university or college shall be a college or university accredited by ~~one (1) of the following:~~ a regional accrediting agency as identified by the U.S. Department of Education. (3-29-12)(7-1-18)T

~~*a. The Middle States Association of Colleges and Schools;* (3-29-12)~~

~~*b. The New England Association of Schools and Colleges;* (3-29-12)~~

~~*c. The North Central Association of Colleges and Schools or the Higher Learning Commission;* (3-29-12)~~

~~*d. The Northwest Association of Schools and of Colleges and Universities;* (3-29-12)~~

~~*e. The Southern Association of Colleges and Schools; or* (3-29-12)~~

~~*f. The Western Association of Schools and Colleges.* (3-29-12)~~

04. Practicum. The term practicum includes a practicum, internship, or a combination, taken as part of the graduate level program. (7-1-18)T

05. Supplemental Practicum Hours. Supplemental practicum hours are hours of direct client contact that are supervised by a registered marriage and family therapist supervisor at a ratio of one (1) hour of supervision for every ten (10) hours of direct client contact. (7-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

230. QUALIFICATIONS FOR ASSOCIATE MARRIAGE AND FAMILY THERAPIST (RULE 230).

The following requirements must be met for associate marriage and family therapist licensure: (4-9-09)

01. Graduate Degree. Possess a graduate degree as outlined in Subsection 54-3405B(1), Idaho Code. 238.01 of these rules or a master's degree or higher in marriage and family therapy or a related field from an accredited university or college, provided that the graduate program meets one of the following: ~~(4-9-09)~~(7-1-18)T

a. Accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or (7-1-18)T

b. Accredited by the Council for Accreditation of Counseling and Related Educational Programs- Marriage, Couple, and Family Counseling (CACREP-MCFC); or (7-1-18)T

c. The program includes, at a minimum, twenty-seven (27) semester credits or thirty-six (36) quarter credits of the graduate level coursework set forth in Subsection 238.01.b of these rules. (7-1-18)T

02. Practicum. ~~Must meet the requirements as outlined in Section 54-3405B(2), Idaho Code.~~ Completion of a supervised practicum in no less than a twelve (12) month period as part of the graduate program. The practicum must consist of at least three hundred (300) hours of direct client contact, of which at least one hundred fifty (150) hours must be with couples, families and other systems, provided that the Board may grant a license to an applicant who completed a practicum with fewer than the required hours and completed one (1) supplemental practicum hour for every hour in which the practicum was deficient. Supplemental practicum hours must be completed as: ~~(4-9-09)~~(7-1-18)T

a. A Registered Intern under Section 245 of these rules; or (7-1-18)T

b. Supervised practice in another jurisdiction that is sufficient to be considered substantially similar to the supplemental practicum hour requirements of these rules; or (7-1-18)T

c. A combination of Paragraph 02.a and 02.b of this subsection. (7-1-18)T

03. Examination. Successful passage of the National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. ~~(4-9-09)~~(7-1-18)T

231. (RESERVED)

232. ASSOCIATE MARRIAGE AND FAMILY THERAPIST PRACTICE (RULE 232).

A licensed associate marriage and family therapist shall only practice under supervision in compliance with the requirements and limitation of Subsection 238.03~~4~~ of these rules. ~~(4-9-09)~~(7-1-18)T

233. -- 237. (RESERVED)

238. MARRIAGE AND FAMILY THERAPISTS (RULE 238).

The following requirements must be met for marriage and family therapist licensure: (3-13-02)

01. Graduate Degree. Possess a graduate master's degree as outlined in Section 54-3405C(1), Idaho Code. or higher in marriage and family therapy or a related field from an accredited university or college provided that the program is either: ~~(3-13-02)~~(7-1-18)T

a. Accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or (7-1-18)T

b. A program of at least sixty (60) semester hours or ninety (90) quarter hours in length and that includes at a minimum: (7-1-18)T

i. Marriage and family studies – Nine (9) semester credit hours or twelve (12) quarter credit hours: includes theoretical foundations, history, philosophy, etiology and contemporary conceptual directions of marriage and family therapy or marriage and family counseling; family systems theories and other relevant theories and their application in working with a wide variety of family structures, including families in transition, nontraditional families and blended families, and a diverse range of presenting issues; and preventive approaches, including premarital counseling, parent skill training and relationship enhancement, for working with couples, families, individuals, subsystems and other systems; (7-1-18)T

ii. Marriage and family therapy – Nine (9) semester credit hours or twelve (12) quarter credit hours: includes the practice of marriage and family therapy related to theory, and a comprehensive survey and substantive understanding of the major models of marriage and family therapy or marriage and family counseling; and interviewing and assessment skills for working with couples, families, individuals, subsystems and other systems, and skills in the appropriate implementation of systematic interventions across a variety of presenting clinical issues including, but not limited to, socioeconomic disadvantage, abuse and addiction; (7-1-18)T

iii. Biopsychosocial health and development across the lifespan – Nine (9) semester credit hours or twelve (12) quarter credit hours: includes individual development and transitions across the life span; family, marital and couple life cycle development and family relationships, family of origin and intergenerational influences, cultural influences, ethnicity, race, socioeconomic status, religious beliefs, gender, sexual orientation, social and equity issues and disability; human sexual development, function and dysfunction, impacts on individuals, couples and families, and strategies for intervention and resolution; and issues of violence, abuse and substance use in a relational context, and strategies for intervention and resolution; (7-1-18)T

iv. Psychological and mental health competency – Six (6) semester credit hours or eight (8) quarter credit hours: includes psychopathology, including etiology, assessment, evaluation and treatment of mental disorders, use of the current diagnostic and statistical manual of mental disorders, differential diagnosis and multiaxial diagnosis; standard mental health diagnostic assessment methods and instruments, including standardized tests; and psychotropic medications and the role of referral to and cooperation with other mental health practitioners in treatment planning, and case management skills for working with individuals, couples, families, and other systems and relational groups; (7-1-18)T

v. Professional ethics and identity – Three (3) semester credit hours or four (4) quarter credit hours: includes professional identity, including professional socialization, professional organizations, training standards, credentialing bodies, licensure, certification, practice settings and collaboration with other disciplines; ethical and legal issues related to the practice of marriage and family therapy, legal responsibilities of marriage and family therapy and marriage and family counseling practice and research, business aspects, reimbursement, recordkeeping, family law, confidentiality issues and the relevant codes of ethics, including the code of ethics specified by the board; and the interface between therapist responsibility and the professional, social and political context of treatment; (7-1-18)T

vi. Research – Three (3) semester credit hours or four (4) quarter credit hours: includes research in marriage and family therapy or marriage and family counseling and its application to working with couples and families; and research methodology, quantitative and qualitative methods, statistics, data analysis, ethics and legal considerations of conducting research, and evaluation of research. (7-1-18)T

02. **Foreign Educated Applicants.** Applicants with a graduate degree from a foreign country may be required to submit a certification from a credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or approved by the Board. The service must certify that the graduate degree is equivalent to a graduate degree from the United States. All costs for the certification are the responsibility of the applicant. All information submitted to the Board must be submitted with an English translation. (7-1-18)T

023. **Practicum.** ~~Must meet the requirements as outlined in Section 54-3405C(2), Idaho Code~~ Completion of a supervised practicum, including any supplemental practicum hours, which meets the requirements of

Subsection 230.02 of these rules.

~~(3-13-02)~~(7-1-18)T

034. Supervised Marriage and Family Therapy Experience. *Must meet the three thousand (3,000) hour requirement as outlined in Section 54-3405C(3), Idaho Code. Effective July 1, 2004, a Idaho Marriage and Family Therapist must be registered with the Board to provide post graduate supervision for those pursuing marriage and family therapist licensure in Idaho. Completion of at least three thousand (3,000) hours of graduate or post-graduate supervised experience in marriage and family therapy that meets the following requirements:*

~~(3-29-12)~~(7-1-18)T

a. A minimum of two thousand (2,000) post~~graduate~~-master's direct client contact hours, *in no less than a two (2) year time period shall* over a period of not less than two (2) years, which must include a minimum of one thousand (1,000) direct client contact hours with couples, and families, and other systems; and~~(4-4-13)~~(7-1-18)T

b. A minimum of~~T~~two hundred (200) hours of post-master's supervision. ~~(4-4-13)~~(7-1-18)T

c. Other hours must support development as a marriage and family therapist, and may include: additional hours of supervision, additional practicum hours above the three hundred (300) hours required in Subsection 230.02 of these rules, writing clinical reports, writing case notes, case consultation, coordination of care, administering tests, and attending workshops, training sessions, and conferences. (7-1-18)T

ed. *Effective July 1, 2014 a*~~A~~ minimum of one hundred (100) hours post-~~graduate~~master's supervision must be obtained from a registered marriage and family therapist supervisor. The remaining one hundred (100) hours of supervision may also be obtained from a licensed clinical professional counselor registered as a supervisor with the Board, licensed psychologist, licensed clinical social worker registered as a supervisor with the Board of Social Work Examiners, or licensed psychiatrist who documents: ~~(3-29-12)~~(7-1-18)T

i. A minimum of five (5) years of experience providing marriage and family therapy; and (3-20-04)

ii. Fifteen (15) contact hours of education in supervisor training; and (3-20-04)

iii. Has not been the subject of any disciplinary action for five (5) years immediately prior to providing supervision. (3-20-04)

de. No more than one hundred (100) hours of group supervision shall be allowed. Group supervision shall be defined as up to six (6) supervisees and one (1) supervisor; and (3-29-12)

ef. Individual supervision is defined as up to two (2) supervisees per supervisor; and (3-13-02)

fg. Supervision must employ observation of client contact such as the use of audio technologies or video technologies or co-therapy, or live supervision; and (3-29-12)

gh. In accordance with the adopted Codes of Ethics prohibiting dual relationships, a supervisor shall not act as an applicant's personal Professional Counselor/Therapist. (3-13-02)

hi. The Board shall consider the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience. (4-2-03)

ij. Supervision obtained in another state jurisdiction or from a supervisor in another jurisdiction must conform with the state jurisdiction's requirements provided they are substantially equivalent to Idaho's requirements. ~~(3-29-12)~~(7-1-18)T

045. Examination. (3-13-02)

a. The Board requires successful passage of the National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or another recognized competency examination in marriage and family therapy that is approved by the Board. ~~(3-13-02)~~(7-1-18)T

b. The examination will be conducted at a time and place specified by the Board. (3-13-02)

c. Successful passage of the examination is defined by the Board as achievement of the passing score set by the AMFTRB or the examining entity for examination being administered. Reexamination shall consist of the entire examination. ~~(3-13-02)~~(7-1-18)T

239. MARRIAGE AND FAMILY THERAPIST SUPERVISOR REQUIREMENTS (RULE 239).

~~Effective July 1, 2004, I~~Licensed marriage and family therapists in Idaho shall be registered with the board to provide supervision for those individuals pursuing licensure in the state of Idaho as a marriage and family therapist.

~~(3-20-04)~~(7-1-18)T

01. Requirements for Registration. (3-20-04)

a. Possess two (2) years experience as a licensed marriage and family therapist and document at least two thousand (2,000) hours of direct client contact with couples, ~~and~~ families, and other systems. ~~(3-20-04)~~(7-1-18)T

b. Document fifteen (15) contact hours of education in supervisor training as approved by the Board. (3-20-04)

c. Have not been subject to discipline for five (5) years prior to registration. (3-20-04)

02. Registration. A marriage and family therapist shall fully complete the application form as established by the board and submit the designated fee as adopted by board rule. (3-20-04)

a. Upon receipt of a completed application verifying compliance with the requirements for registration as a supervisor, the applicant shall be registered as a supervisor. The applicant shall include a copy of the informed consent form used to ensure clients are aware of the roles of the supervisor and supervisee. (3-25-16)

b. A supervisor's registration shall be valid only so long as the supervisor's marriage and family therapist license remains current and in good standing, is not disciplined, and is renewed as provided in these rules. (3-25-16)

03. Supervision. (3-20-04)

a. A registered marriage and family therapist supervisor shall provide supervision in conformance with the guidelines for supervisors adopted by the American Association for Marriage and Family Therapists and the guidelines set forth in the AAMFT Code of Ethics. (3-25-16)

b. Unless the primary work role of an individual is as a clinical supervisor a registered marriage and family therapist shall not supervise more than six (6) supervisees, either in one-to-one or group supervision, at any time regardless of the modality (individual, dyad, or group) of supervision. (3-29-12)

c. Supervision shall be provided in a face-to-face setting. Face-to-face setting may include a secure live electronic connection between the supervisor and supervisee. (3-25-16)

04. Renewal. Subject to the conditions in Paragraph 239.04.c. of this rule, a supervisor's registration is valid for a term of five (5) years. To renew a supervisor registration, the registered supervisor must submit to the Board a complete application for registration renewal prior to the expiration of the current registration on forms approved by the Board and meet the following requirements: (3-25-16)

a. Hold an active Idaho marriage and family therapist license which has not been subject to discipline and is current and in good standing; and (3-25-16)

b. Document six (6) hours of continuing education in advanced supervisor training as approved by the Board and completed within the previous five (5) years. (3-25-16)

c. For supervisors registered prior to the effective date of Subsection 239.04 of this rule, the following

renewal requirements and conditions apply: (3-25-16)

- i. A registered supervisor who has been registered for at least five (5) years prior to July 1, 2016 must submit a complete application for registration renewal and meet the renewal requirements by July 1, 2018. (3-25-16)
- ii. A registered supervisor who has been registered for less than five (5) years prior to July 1, 2016 must submit a complete application for registration renewal and meet the renewal requirements by July 1, 2020. (3-25-16)

(BREAK IN CONTINUITY OF SECTIONS)

245. REGISTERED INTERNS (RULE 245).

~~An individual pursuing Idaho licensure as a Professional Counselor may register with the Board as an Intern. An individual pursuing Idaho licensure as a Marriage and Family Therapist shall be a Licensed Associate Marriage and Family Therapist or Licensed Professional Counselor, or register prior to commencement of supervised experience with the Board as an Intern in compliance with Section 54-3402, Idaho Code. If the Marriage and Family Therapist applicant's supervised experience was obtained out of state, such applicant must meet the requirements of Rule 238.03, except that applicant's supervisor need not be registered with the Board.~~ The Board may issue a registration to allow an intern to engage in the practice of counseling or marriage and family therapy while completing either the supervised experience or supplemental practicum hours required for licensure. A registered intern may only practice under the direct supervision of a person registered as a supervisor with the Board or otherwise approved to provide supervision under this chapter. (3-29-12)(7-1-18)T

01. Requirements for Registration. An applicant must submit a completed application on a form approved by the Board together with the required fee and meet the following requirements: (4-2-03)(7-1-18)T

- a. Possess a graduate degree in counseling, marriage and family therapy, or a closely related field from an accredited university or college. (4-2-03)
- b. ~~Be actively pursuing postgraduate supervised experience.~~ (4-2-03)
- c. Designate a supervisor who is registered with the board as a supervisor as set forth in these rules or who is otherwise approved to provide marriage and family therapy supervision as defined in Section 54-3405C, Idaho Code, and who shall be responsible to provide supervision set forth in Section 238 of these rules. (3-29-12)(7-1-18)T

02. Registration Supervision. ~~An individual applying for registration as a Counselor Intern or Marriage and Family Therapist Intern shall fully complete the application form as established by the Board and submit the designated fee as adopted by Board rule~~ The designated supervisor is responsible to provide supervision and ensure that a Registered Intern is competent to practice such counseling or marriage and family therapy as may be provided. (4-2-03)(7-1-18)T

03. Practice. (4-2-03)

~~a. A Registered Intern may only practice counseling or marriage and family therapy under the direct supervision of a Counselor Supervisor, registered with the Board or Marriage and Family Therapist Supervisor, registered with the Board who shall be responsible to ensure that a Registered Intern is competent to practice such counseling or marriage and family therapy as may be provided.~~ (3-29-12)

b03. Designation of Intern Status. Only a Registered Intern may use the title Registered Counselor Intern or Registered Marriage and Family Therapist Intern. Registered interns must explicitly state that they are interns in their documentation and advertising, such as business cards, informed consent forms, and other disclosures. (3-29-12)(7-1-18)T

~~c04. Expiration.~~ An individual shall not practice as an intern for more than four (4) years from the original date of registration, unless good cause is demonstrated to the board. (4-2-03)(7-1-18)T