

Dear Senators LODGE, Broadsword & Werk, and  
Representatives BLOCK, Nielsen & Henbest:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses: IDAPA 24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors & Marriage & Family Therapists (Docket No. 24-1501-0801– Fee Rule).

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 8-7-08. 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 9-4-08.

\_\_\_\_\_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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## **MEMORANDUM**

**TO:** Subcommittees for Administrative Rules Review of the Senate Health and Welfare Committee and the House Health and Welfare Committee

**FROM:** Eric Milstead, Principal Research Analyst

**DATE:** July 18, 2008

**SUBJECT:** Bureau of Occupational Licenses - IDAPA 24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors & Marriage & Family Therapists (Docket No. 24-1501-0801-- Fee Rule)

The Bureau of Occupational Licenses has submitted temporary and proposed rules at IDAPA 24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. The proposed and temporary rule implements the provisions of House Bill 376aa, passed by the 2008 Legislature, and includes application and licensure fees for associate marriage and family therapists (AMFT). The Bureau states that negotiated rulemaking was not conducted because the temporary and proposed rule is necessary to comply with House Bill 376aa.

The temporary and proposed rule implements the following:

- House Bill 376aa established an associate marriage and family therapist license. Sections 230 and 232 of the temporary and proposed rule provide for the qualifications and practice for associate marriage and family therapists.
- All AMFTs are required to pass the National Marital Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards. (Analyst Note: This is consistent with what is required of Marriage and Family Therapists.) (See, Temporary and Proposed Rule, Section 240.)
- Section 250 of the Temporary and Proposed Rule imposes the following fees relating to Associate Marriage and Family Therapists:
  - Seventy-five dollars (\$75) application fee;

- Seventy-five dollars (\$75) original license fee;
  - One-hundred dollars (\$100) annual renewal fee; and
  - Sixty dollars (\$60) annual renewal fee for senior status.
- Continuing education requirements relating to AMFTs are provided for in Section 425.

The temporary and proposed rules appear to be within the authority granted to the Bureau under Section 54-3404, Idaho Code.

cc: Tana Cory, Bureau Chief & Cherie Simpson, Bureau of Occupational Licenses

## **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. 24-1501-0801 (FEE RULE)**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2008.

**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(s) 54-3404, 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 21, 2008.

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:

The 2008 Legislature approved HB376 which establishes an associate marriage and family therapist license. Rules 230 and 232 are new sections outlining the qualifications and limits on practice. Rule 240 adds language for the examination requirement. Rule 245 adds associate marriage and family therapist (AMFT) licensure to the section for interns. Rule 250 adds the AMFT application and licensure fees to the fee schedule. Finally, Rule 425 adds the requirement for continuing education for this new license. This license will be held while gaining the supervised work experience required for the marriage and family therapist license.

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

The 2008 Legislature approved HB376 which establishes an associate marriage and family therapist license. Rules 230 and 232 are new sections outlining the qualifications and limits on practice. Rule 240 adds language for the examination requirement. Rule 245 adds associate marriage and family therapist (AMFT) licensure to the section for interns. Rule 250 adds the AMFT application and licensure fees to the fee schedule. Finally, Rule 425 adds the requirement for continuing education for this new license. This license will be held while gaining the supervised work experience required for the marriage and family therapist license.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

The 2008 Legislature approved HB376 which creates a status for associate marriage and family therapists. A \$75 application fee and a \$75 original license fee is being added to the fee schedule to comply with the law which goes into effect July 1, 2008. The fee is authorized by Section 54-3411, Idaho Code.

**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 IDAPA 04.11.01.811, negotiated rulemaking was not conducted because these changes are necessary to be in compliance with changes to Title 54, Chapter 34.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson 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 27, 2008.

DATED this 23rd day of June, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St. Ste. 220  
Boise, ID 83702  
(208) 334-3233 Ph. (208) 334-3945, fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-1501-0801**

**226. -- ~~237~~29. (RESERVED).**

**230. QUALIFICATIONS FOR ASSOCIATE MARRIAGE AND FAMILY THERAPIST (RULE 230).**  
The following requirements must be met for associate marriage and family therapist licensure: (7-1-08)T

**01. Graduate Degree.** Possess a graduate degree as outlined in Section 54-3405B(1), Idaho Code. (7-1-08)T

**02. Practicum.** Must meet the requirements as outlined in Section 54-3405B(2), Idaho Code. (7-1-08)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). (7-1-08)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 of this rule. (7-1-08)T

**233. -- 237. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**240. EXAMINATION FOR LICENSURE (RULE 240).**  
Licensure as a counselor, clinical counselor, associate marriage and family therapist, or marriage and family therapist shall be restricted to persons who have successfully completed the required written examination. ~~(3-30-06)~~(7-1-08)T

**01. Examination.** (3-30-06)

**a.** All counselor applicants are required to successfully pass the National Counselor Examination prepared by the National Board of Certified Counselors (NBCC). (3-30-06)

**b.** All clinical counselor applicants are required to successfully pass the National Clinical Mental Health Counselor Examination (NCMHCE) prepared by the National Board of Certified Counselors (NBCC).

(3-30-06)

**c.** All associate marriage and family therapist applicants are required to successfully pass the National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB). ~~(3-30-06)~~(7-1-08)T

**d.** All marriage and family therapist applicants are required to successfully pass the National Marital and Family Therapy Examination as approved by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB). (7-1-08)T

**02. Time and Place.** The examination will be conducted at a time and place specified by the Board or the examining entity. (3-30-06)

**03. Successful Passage.** Successful passage of the examination is defined as achievement of the passing score set by the preparer of the examination. Reexamination shall consist of the entire examination. (3-30-06)

**241. -- 244. (RESERVED).**

**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 licensed as an Associate Marriage and Family Therapist or register prior to commencement of supervised experience with the Board as an Intern in compliance with section 54-3402, Idaho Code. ~~(3-26-08)~~(7-1-08)T

**01. Requirements for Registration.** (4-2-03)

**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 as a supervisor 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. (3-20-04)

**02. Registration.** 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. (4-2-03)

**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 or Marriage and Family Therapist Supervisor 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. (4-2-03)

**b.** Only a Registered Intern may use the title Counselor Intern or Marriage and Family Therapist Intern. (4-2-03)

**c.** An individual shall not practice as an intern for more than four (4) years from the original date of registration. (4-2-03)

**246. -- 249. (RESERVED).**

**250. FEES (RULE 250).**

- 01. Application Fee.** Application fee: (7-1-97)
- a.** Professional Counselor -- seventy-five dollars (\$75). (3-13-02)
  - b.** Clinical Professional Counselor -- seventy-five dollars (\$75). (3-13-02)
  - c.** Marriage and Family Therapist -- seventy-five dollars (\$75). (3-13-02)
  - d.** Associate Marriage and Family Therapist -- seventy-five dollars (\$75). (7-1-08)T
  - d~~e~~.** Intern Registration -- twenty-five dollars (\$25). (4-2-03)
- 02. Professional Counselor and Marriage and Family Therapist Examination or Reexamination Fee.** The Professional Counselor and Marriage and Family Therapist license examination or reexamination fee shall be the fee as set by the provider of the approved examination plus an administration fee of twenty-five dollars (\$25). (3-30-06)
- 03. Original License Fee.** Original license fee for Professional Counselor, ~~or~~ Clinical Professional Counselor, Associate Marriage and Family Therapist, or Marriage and Family Therapist -- seventy-five dollars (\$75). ~~(4-6-05)~~(7-1-08)T
- 04. Annual Renewal Fee.** Annual license renewal fee for Professional Counselor, Clinical Professional Counselor, Associate Marriage and Family Therapist, or Marriage and Family Therapist -- one hundred dollars (\$100). ~~(3-19-07)~~(7-1-08)T
- 05. Annual Renewal Fee for Inactive License.** Annual license renewal fee for inactive Professional Counselor, Clinical Professional Counselor, Associate Marriage and Family Therapist, or Marriage and Family Therapist -- fifty dollars (\$50). ~~(3-26-08)~~(7-1-08)T
- 06. Annual Renewal Fee for Senior Status.** Annual license renewal fee for senior Professional Counselor, Clinical Professional Counselor, Associate Marriage and Family Therapist, or Marriage and Family Therapist -- sixty dollars (\$60). ~~(3-26-08)~~(7-1-08)T
- 07. Fees are Non-Refundable.** All fees are non-refundable. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**425. CONTINUING EDUCATION (RULE 425).**

Every person holding an Idaho license as a Professional Counselor, Clinical Professional Counselor, Associate Marriage and Family Therapist, or a Marriage and Family Therapist must annually complete twenty (20) contact hours of continuing education prior to license renewal. ~~(3-30-06)~~(7-1-08)T

**01. Contact Hours.** The contact hours of continuing education shall be obtained in areas of study germane to the practice for which the license is issued as approved by the Board. No less than three (3) contact hours for each renewal period shall be in ethics. (3-30-06)

**02. Documentation of Attendance.** It shall be necessary for the applicant to provide documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the applicant. This documentation must be maintained by the applicant and provided to the Board upon request by the Board or its agent. (4-2-03)

**03. Excess Hours.** Continuing education hours accumulated during the twelve (12) months immediately preceding the license expiration date may be applied toward meeting the continuing education requirement for the next license renewal. No more than five (5) hours in excess of the required twenty (20) hours

shall be carried forward. Excess hours may be used only during the next renewal period and may not be carried forward more than one (1) time. (4-2-03)

**04. Compliance Audit.** The Board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the Board of meeting the continuing education requirement be submitted to the Bureau. Failure to provide proof of meeting the continuing education upon request of the Board shall be grounds for disciplinary action in accordance with section 54-3407, Idaho Code. (4-2-03)

**05. Special Exemption.** The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. There is no continuing education required of those holding a current inactive license. (3-26-08)