

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no: 39924 Date filed: 11-9-2015  
 State Admin Rule Filing Id: \_\_\_\_\_ Time filed: \_\_\_\_\_

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 60b	- 102
Changed to Admin. Code Ref. (R no.):	R	-	-

**1. Agency:** Commerce/Division of Occupational and Professional Licensing

**Room no.:** \_\_\_\_\_

**Building:** Heber M. Wells Building

**Street address 1:** 160 East 300 South

**Street address 2:** \_\_\_\_\_

**City, state, zip:** Salt Lake City UT 84111-2316

**Mailing address 1:** PO Box 146741

**Mailing address 2:** \_\_\_\_\_

**City, state, zip:** Salt Lake City UT 84114-6741

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
Dane Ishihara	801-530-7632	801-530-6511	dishihara@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

**2. Title of rule or section (catchline):**  
 Definitions

**3. Type of notice:**  
 New \_\_\_; Amendment XXX; Repeal \_\_\_; Repeal and Reenact \_\_\_

**4. Purpose of the rule or reason for the change:**  
 The Division and the Marriage and Family Therapist Licensing Board is proposing an amendment to codify the definition of deficiency in relationship to issuing an externship license. During the 2015 Legislative Session, H.B. 52 passed and amended the Mental Health Professional Practice Act to allow the Division to define deficiency in this context.

**5. This change is a response to comments from the Administrative Rules Review Committee.**  
 No XXXX; Yes \_\_\_

**6. Summary of the rule or change:**

**Section 102: Definition of "deficiency" is being added. Remaining paragraphs are renumbered.**

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No ; Yes  XXX

The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

**B) Local government:**

**Affected:** No  XXX; Yes

The proposed amendments apply only to marriage and family therapists and applicants for licensure in that classification. As a result, the proposed amendments do not apply to local governments.

**C) Small businesses ("small business" means a business employing fewer than 50 persons)**

**Affected:** No  XXXX; Yes

The proposed amendments apply to licensed marriage and family therapists and applicants for licensure in that classification. In accordance with H.B. 52, 2015 Legislative General Session, the new statute language added clarification to the qualifications for externship licenses. The proposed rule amendments may impact individuals that may have qualified for an externship license under the prior undefined deficiency in course work requirement. These individuals may see a fiscal impact because they will not be able to legally work in the field while correcting the deficiency. Additionally, the individuals that do not meet the proposed deficiency in course work definition may have to obtain an additional degree that meets the standards outlined in Subsection R156-60b-302a. The number of individuals that this may affect cannot be quantified by the Division. The impacts are not more than those anticipated in the passage of H.B. 52.

**D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):**

**Affected:** No  XXX; Yes

The proposed amendments apply to licensed marriage and family therapists and applicants for licensure in that classification. In accordance with H.B. 52, 2015 Legislative General Session, the new statute language added clarification to the qualifications for externship license approval. The proposed rule amendments may impact individuals that may have qualified for an externship license under the prior undefined deficiency in course work requirement. These individuals may see a fiscal impact because they will not be able to legally work in the field while correcting the deficiency. Additionally, the individuals that do not meet the proposed deficiency in course work definition may have to obtain an additional degree that meets the standards outlined in Subsection R156-60b-302a. The number of individuals that this may affect cannot be quantified by the Division. The impacts are not more than those anticipated in the passage of H.B. 52.

**8. Compliance costs for affected persons:**

The proposed amendments apply to licensed marriage and family therapists and applicants for licensure in that classification. In accordance with H.B. 52, 2015 Legislative General Session, the new statute language added clarification to the qualifications for externship license approval. The proposed rule amendments may impact individuals that may have qualified for an externship license under the prior undefined deficiency in course work requirement. These individuals may see a fiscal impact because they will not be able to legally work in the field while correcting the deficiency. Additionally, the individuals that do not meet the proposed deficiency in course work definition may have to obtain an additional degree that meets the standards outlined in Subsection R156-60b-302a. The number of individuals that this may affect cannot be quantified by the Division. The impacts are not more than those anticipated in the passage of H.B. 52.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

As stated in the rule analysis, this rule adds a definition for "deficiency" as used in the recently amended Subsection 58-60-117(1)(d). This rule change may impact some businesses that employ people that previously qualified for externship licenses under the undefined "deficiency in coursework" requirement, but now do not qualify, now that the "deficiency in coursework requirement" is defined. These impacts were anticipated when the statute was amended in the previous legislative session, and do not outweigh the benefit of defining the "deficiency in coursework" requirement.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Giani, Executive Director

**10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.**

**State code or constitution citations (required)** (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

Section 58-60-301

**11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):**

	First Incorporation	Second Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		

(If this rule incorporates more than two items by reference, please attach additional pages)

**12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)**

**A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):**

12/31/2015

**B) A public hearing (optional) will be held:**

**On (mm/dd/yyyy):**

12/11/2015

**At (hh:mm AM/PM):**

9:00 AM

**At (place):**

160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah

**13 This rule change may become effective on (mm/dd/yyyy):**

01/07/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

licensing

therapists

marriage and family therapist

15 Attach an RTF document containing the text of this rule change (filename):

R156-60b.pro

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

### AGENCY AUTHORIZATION

Agency head or designee, and title:



Date  
(mm/dd/yyyy)  
: 11/9/2005

**R156. Commerce, Occupational and Professional Licensing.**

**R156-60b. Marriage and Family Therapist Licensing Act Rule.**

**R156-60b-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

(1) "AAMFT" means the American Association for Marriage and Family Therapy.

(2) "Deficiency", as used in Subsection 58-60-117(1)(d), means no more than a combined total of six semester or eight quarter hours in:

(a) theoretical foundations of marital and family therapy;

(b) assessment and treatment in marriage and family therapy, including Diagnostic Statistical Manual (DSM);

(c) human development and family studies which include ethnic minority issues, and gender issues including sexuality, sexual functioning, and sexual identity;

(d) research methodology and data analysis; and

(e) electives in marriage and family therapy.

([2]3) "Directly related to marriage and family therapy", as used in R156-60b-304(2)(a), means that the continuing education course meets at least one of the following criteria:

(a) approved by an international, national, or state marriage and family therapy association, national or state marriage and family therapy regulatory board, or a COAMFTE accredited program; or

(b) title, objective, or official description of the course indicates instruction on relationships, couples, or families.

([3]4) "Face to face supervision" as described in Subsection R156-60b-302a(1)(b)(ii)(G) includes both individual and group supervision.

([4]5) "Group supervision" means supervision between the supervisor and no more than three supervisees, unless preapproved by the Board.

([5]6) "Individual supervision" means supervision between the supervisor and one or two supervisees.

([6]7) "Practicum", as used in R156-60b-302a(1)(b)(ii)(G) means a clinical program of training at an accredited school under general supervision in a setting other than a student's private practice.

([7]8) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 60, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-60b-502.

**KEY: licensing, therapists, marriage and family therapist**

**Date of Enactment or Last Substantive Amendment: [~~December 23, 2013~~]2016**

**Notice of Continuation: August 5, 2014**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-60-301**