

BOARDS AND COMMISSIONS
Board of Licensure of Marriage and Family Therapists
(Amendment)

201 KAR 32:035. Supervision of marriage and family therapy[~~therapist~~] associates.

RELATES TO: KRS 335.300, 335.320(6), 335.330, 335.332

STATUTORY AUTHORITY: KRS 335.320(4), (5), (9)

NECESSITY FUNCTION AND CONFORMITY: KRS 335.320(9) requires the board to promulgate administrative regulations to implement KRS 335.300 to 335.399. KRS 335.320(4) requires the board to license applicants who satisfy the experience and educational requirements and who have paid the fee. KRS 335.320(5) requires the board to review and approve supervision contracts between marriage and family therapy associates and their approved supervisors. This administrative regulation establishes the supervision requirements for marriage and family therapy associates and their board-approved supervisors.

Section 1. Definitions. (1) "Group supervision" means supervision of three (3) to six (6) supervisees with the supervisor.

(2) "Individual supervision" means supervision of one (1) or two (2) supervisees with the supervisor.

(3) "Qualified mental health professional" means a licensed marriage and family therapist, licensed psychologist, licensed psychiatrist, licensed professional clinical counselor, or licensed clinical social worker.

(4) "Raw data" means video recorded sessions, live observation, or co-therapy with a board-approved supervisor.

(5) "Two (2) years of post-licensure experience in the practice of marriage and family therapy" means a minimum of two (2) years of the practice of marriage and family therapy consisting of 1,000 hours of direct, face-to-face or telehealth contact with individuals, couples, families, and groups in the practice of marriage and family therapy under the supervision of an approved supervisor. Face-to-Face includes synchronous contact via technology assisted services for those who have met the training requirements of 201 KAR 32:110.

Section 2. Qualifications for Board-Approved Supervisors Status. (1) Until December 31, 2015, a board-approved supervisor shall be:

(a) An American Association for Marriage and Family Therapy (AAMFT) approved supervisor in good standing;

(b) An AAMFT supervisor candidate; or

(c) A marriage and family therapist in good standing, who is licensed in Kentucky and has a minimum of five (5) years of post-licensure[~~postlicensure~~] experience in the practice of marriage and family therapy.

(2) Except as established in subsection (3) of this section, effective January 1, 2016, a board-approved supervisor shall be:

(a) An American Association for Marriage and Family Therapy (AAMFT) approved supervisor in good standing, who is licensed in Kentucky and has a minimum of two (2) years of post-licensure experience in the practice of marriage and family therapy;

(b) An AAMFT supervisor candidate in good standing who is licensed in Kentucky and has three (3) years of post-licensure[~~postlicensure~~] experience in the practice of marriage and family therapy; or

(c) A marriage and family therapist in good standing, who is licensed in Kentucky and has a minimum of five (5) years of ~~post-licensure~~~~[postlicensure]~~ experience in the practice of marriage and family therapy, with the last eighteen (18) months of experience being in Kentucky.

(3) AAMFT approved supervisors, AAMFT supervisor candidates, and non-AAMFT board approved supervisors, approved as of December 31, 2015, shall maintain board approved status.

(4) To obtain initial board-approved supervisor status, an applicant who is not an AAMFT supervisor or supervisor candidate in good standing shall provide proof of completion of six (6) hours of board-approved continuing education courses in supervision.

(a) The course shall be taken within the two (2) years preceding the date of application to become a board-approved supervisor.

(b) This requirement shall be in addition to the hours of continuing education required for licensure renewal.

(c) Each approved course shall be live or online and shall include:

1. Kentucky law governing the practice of marriage and family therapy, both in KRS 335.300 to 335.399 and 201 KAR Chapter 32;

2. Theories of supervision;

3. Ethical issues involved in supervision; and

4. Supervisor responsibilities such as logs, treatment planning, and recording.

(5) To maintain board-approved supervisor status, a non-AAMFT approved supervisor shall complete at least two (2) hours of continuing education in supervision every year. These two (2) hours shall be included in the hours of continuing education required for licensure renewal. Each approved course shall be live or online and shall include:

(a) Kentucky law governing the practice of marriage and family therapy, both in KRS 335.300 to 335.399 and 201 KAR Chapter 32;

(b) Theories of supervision;

(c) Ethical issues involved in supervision; and

(d) Supervisor responsibilities such as logs, treatment planning, and recording.

(6) To renew as a board-approved supervisor, an AAMFT approved supervisor or supervisor candidate shall complete at least one (1) hour of continuing education every year in Kentucky law governing the practice of marriage and family therapy found both in KRS 335.300 to 335.399 and 201 KAR Chapter 32. The course shall be attended live or online. The one (1) hour shall be included in the hours of continuing education required for licensure renewal.

Section 3. Clinical Supervision. (1) Clinical supervision shall:

(a) Be equally distributed throughout the qualifying period and shall average at least four (4) hours per month as specified in the supervision contract;

(b) Be clearly distinguishable from psychotherapy, didactic enrichment, or training activities;

(c) Focus on raw data from the supervisee's clinical work within in the last twelve (12) months;

(d) Be direct, face-to-face contact between the supervisor and supervisee~~[;]~~ or be conducted via live video conferencing if both the supervisor and supervisee have met the educational requirements of 201 KAR 32:110, Section 3(1) and (2)~~[unless an alternative form of supervision has been approved by the board based on undue burden for the supervisor or supervisee such as in cases of serious illness or injury];~~ and

(e) Continue until the supervisee is licensed by the board.

(2) The supervision process shall focus on:

- (a) Accurate diagnosis of client problems leading to proficiency in applying professionally recognized nomenclature and developing a plan for treatment as established in DSM 5: Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (2013);
- (b) Development of treatment skills appropriate to the therapeutic process;
- (c) Development of sensitivity to context and issues relating specifically to the family or individual being counseled;
- (d) Acknowledgment of an awareness of the use of the professional self of the therapist in the process of therapy;
- (e) Increased theoretical and applied knowledge for the therapist;
- (f) Acquisition of a greater depth of knowledge and range of techniques in the provision of marriage and family therapy; and
- (g) Awareness of ethical issues in practice, in order to safeguard and enhance the quality of care available to marriage and family therapy clients.

Section 4. Standards for Raw Data Used for Supervision. The use of raw data in a supervision session shall constitute a minimum of fifty (50) hours of the 200 hours of required supervision. In a group setting, raw data can only be used for an individual presenting or conducting the raw data, not the entire group.

Section 5. In a therapy session involving a board-approved supervisor and supervisee:

- (1) The role of the board-approved supervisor as a supervisor or co-therapist shall be clearly defined prior to beginning a therapy session; and
- (2) The supervisees shall receive credit for client contact hours and supervision hours.

Section 6. Documentation Requirements. (1) The board-approved supervisor and marriage and family therapy[therapist] associate shall maintain copies of the completed Supervisory Log, which shall document:

- (a) The frequency and type of supervision provided; and
 - (b) The method of supervision utilized, such as observation, dialogue and discussion, and instructional techniques employed.
- (2) No more than 100 hours of supervision shall take place in group supervision.
- (3) At least 100 hours shall take place in individual supervision.

Section 7. Number of Supervisees. (1) A board-approved supervisor shall not supervise more than twelve (12)[six (6)] marriage and family therapy[therapist] associates at the same time, unless approved by the board.

(2) A request to supervise more than twelve (12)[six (6)] marriage and family therapy[therapist] associates shall be submitted to the board for approval and shall demonstrate in writing the supervisor's plan and ability to supervise additional marriage and family therapy[therapist] associates.

Section 8. Temporary Supervision. (1) In extenuating circumstances, if a marriage and family therapy[therapist] associate is without supervision, the associate may continue working up to ninety (90) calendar days under the supervision of a qualified mental health professional while an appropriate board-approved supervisor is sought and a new supervision contract is submitted to the board. Extenuating circumstances include situations such as death or serious illness of the board-approved supervisor, a leave of absence by the supervisor, or the termination of the supervisor's employment.

(2)(a) Within thirty (30) calendar days of a change in status of board-approved supervision, the supervisee shall:

1. Notify the board of these circumstances; and
2. Submit, in writing, a plan for resolution of the situation.

(b) The written plan shall include:

1. The name of the temporary supervisor;
2. Verification of the credential held by the temporary supervisor;
3. An address for the temporary supervisor; and
4. A telephone number for the temporary supervisor.

Section 9. Board-approved Supervisor's Responsibilities to Clients and Supervisees. (1) A board-approved supervisor shall be responsible for ensuring the proper and appropriate delivery of marriage and family therapy services to clients.

(2) A board-approved supervisor shall be responsible for fostering the professional competence and development of the marriage and family therapy~~[therapist]~~ associates under his or her supervision.

(3) A board-approved supervisor shall be responsible for compliance with the code of ethics established in 201 KAR 32:050 and take steps to ensure that supervisees comply with the code of ethics as well.

Section 10. Incorporation by Reference. (1) "Supervisory Log", 7/2015, is incorporated by reference. (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing~~[Kentucky Office of Occupations and Professions]~~, 500 Mero Street, 2 SC 32~~[911 Leewood Drive]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. C. SHAWN OAK, Ph.D., LMFT, Chair

APPROVED BY AGENCY: December 17, 2020

FILED WITH LRC: January 14, 2021 at 8:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:30 AM on Tuesday, March 23, 2021 at 500 Mero Street, 127CW, Frankfort, Kentucky 40601. In the event the declaration of a State of Emergency in Executive Order 2020-215 and the State of Emergency Relating to Social Distancing in Executive Order 2020-243 are not rescinded by March 23, 2021, this hearing will be done by video teleconference. Members of the public wishing to attend may utilize the following link : <https://us02web.zoom.us/j/85760716794?pwd=TnBjRElGMjNwTzVlMmVJRdIGbGpWUT09>

Join from PC, Mac, Linux, iOS or Android:

Password: 424436

Or Telephone:

Dial:

USA 713 353 0212

USA 8888227517 (US Toll Free)

Conference code: 497796

Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the pro-

posed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on March 31, 2020. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Kevin R. Winstead, Commissioner, Department of Professional Licensing, Kentucky Public Protection Cabinet, 500 Mero Street, 237CW, Frankfort, Kentucky 40601, phone 502-782-0562, fax 502-564-4818, KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the requirements of supervision of marriage and family therapist associates.

(b) The necessity of this administrative regulation: The administrative regulation is necessary under KRS 335.320(5), which requires the Board to review and approve contracts between marriage and family therapy associates and approved supervisors for their supervision of practice during the qualifying terms, and KRS 335.320(9), which requires the Board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting forth the requirements for supervision of marriage and family therapy associates.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the authorizing statutes by setting forth the supervisory requirements for a board-approved supervisor.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by: (1) clearly defining "two (2) years of post-licensure experience in the practice of marriage and family therapy"; (2) by allowing supervision to take place by live video conference; (3) by clarifying that raw data can only be used for individual supervision not group supervision; (4) changing "marriage and family therapist" associate to "marriage and family therapy associate" to conform with statutory definition; and (5) updating the Board's address.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify the definition of a "two (2) years of post-licensure experience in the practice of marriage and family therapy" and to allow supervision to continue by live video conferencing as it has been allowed during the current state of emergency.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide licensees and associates with clarity regarding board-approved supervisors and allow supervisors and supervisees to continue conducting supervision via live video conferencing.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Board-approved supervisors and supervisees are affected by this administrative regulation. As of January 11, 2021, there were 601 marriage and family therapists and 173 marriage and family therapy associates.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: In order to provide supervision via live video conferencing, the supervisor and supervisee will be required to meet the educational requirements of 201 KAR 32:110, Section 3(1) and (2).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Supervisors and supervisees wanting to conduct supervision via live video conferencing will be required to pay for educational classes to meet the requirements contained in 201 KAR 32:110, Section 3(1) and (2).

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, supervisors and supervisees will be able to conduct supervision via live video conferencing.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Initially, there is no additional cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: On a continuing basis, there is no additional cost to the administrative body to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operation is funded by the registration fees paid by licensed marriage and family therapists, marriage and family therapy associates, and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The administrative regulation did not establish any fees or increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied as the criteria apply to all supervisors and supervisees.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Licensure for Marriage and Family Therapists will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 335.320(4), (5), (9)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar esti-

mates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this program.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None