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Title 10
DEPARTMENT OF HEALTH AND MENTAL
HYGIENE

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND
THERAPISTS

10.58.15 Supervision Requirements for Licensed Clinical Marriage and Family Therapists and Licensed Graduate Marriage and Family Therapists

Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-303, 17-308, 17-309, and 17-507, Annotated Code of Maryland

Notice of Final Action

[14-050-F]

On March 28, 2014, the Secretary of Health and Mental Hygiene adopted new Regulations **.01—.08** under a new chapter, **COMAR 10.58.15 Supervision Requirements for Licensed Clinical Marriage and Family Therapists and Licensed Graduate Marriage and Family Therapists**. This action, which was proposed for adoption in 41:3 Md. R. 246—249 (February 7, 2014), has been adopted as proposed.

Effective Date: April 28, 2014.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

ERRATA
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COMAR 10.58.15

At 41:3 Md. R. 246 (February 7, 2014), column 1, line 23 from the bottom:

For: new Regulations **.01—.07** under a new chapter, **COMAR**
10.58.15

Read: new Regulations **.01—.08** under a new chapter, **COMAR**
10.58.15

[14-05-46]

PROPOSAL
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Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 58 BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

10.58.15 Supervision Requirements for Licensed Clinical Marriage and Family Therapists and Licensed Graduate Marriage and Family Therapists

*Authority: Health Occupations Article, §§17-101, 17-205, 17-301, 17-303, 17-308, 17-309, and 17-507, Annotated Code of
Maryland*

Notice of Proposed Action

[14-050-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations **.01— .07** under a new chapter, **COMAR 10.58.15 Supervision Requirements for Licensed Clinical Marriage and Family Therapists and Licensed Graduate Marriage and Family Therapists**. This action was considered by the Board of Professional Counselors and Therapists at a public meeting held on November 15, 2013, notice of which was given by publication on the Board's website at <http://dhmh.maryland.gov/bopc/SitePages/Home.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

- (1) Require that a certain percentage of the required hours of supervised clinical experience in marriage and family therapy be completed under the supervision of a licensed clinical marriage and family therapist approved by the Board and providing that the remainder of the hours may be completed under the supervision of another health care practitioner who can demonstrate a certain amount of experience providing marriage and family services;
- (2) Establish the number of hours of supervised experience necessary to apply for licensure as a clinical marriage and family therapist;
- (3) Establish standards for supervision and qualifications for supervisors; and
- (4) Require a clinical marriage and family therapy supervisor and supervisee to perform certain responsibilities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Licensees who have not completed the newly proposed educational requirements may incur a cost to obtain the educational requirements.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. To the extent that a licensee seeking to become a supervisor under this chapter has not completed the educational requirements stated, there would be a financial impact. This number cannot be determined by the Board as it will be different for each person seeking to be a supervisor.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 10, 2014. A public hearing has not been scheduled.

.01 Scope.

A. *This chapter establishes standards of supervision and the responsibilities of supervisors and supervisees in the practice of clinical marriage and family therapy.*

B. *This chapter applies to licensees in this State who practice clinical marriage and family therapy, clinical alcohol and drug counseling, clinical professional counseling, and clinical professional art therapy, and other health care providers licensed under Health Occupations Article, Annotated Code of Maryland, and approved by the Board who provide supervision for licensed graduate marriage and family therapists pursuing clinical licensure.*

C. *This chapter also applies to licensed graduate marriage and family therapists pursuing clinical license who are obtaining the supervised clinical experience required by Health Occupations Article, §17-303, Annotated Code of Maryland.*

D. *Except as otherwise specified in this chapter, this chapter does not apply to personnel or management practices associated with contractual relationships or employment.*

.02 Definitions.

A. *In this chapter the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *“Applicant” means an individual applying for licensure as a clinical marriage and family therapist.*

(2) *“Approved licensed clinical marriage and family therapy supervisor” means:*

(a) *An American Association for Marriage and Family Therapy Approved Supervisor;*

(b) *An American Association for Marriage and Family Therapy approved Supervisor in Training or Supervisor Candidate;*

(c) *A licensed clinical marriage and family therapist; or*

(d) *Another health-care provider licensed under the Health Occupations Article, Annotated Code of Maryland, who:*

(i) *Documents 5 years or more of clinical experience working with couples and families;*

(ii) *Documents completion of a graduate level course in marriage and family therapy supervision; and*

(iii) *Has been approved by the Board.*

(3) *“Board” means the Maryland Board of Professional Counselors and Therapists.*

(4) *“Diagnosis” means the identification of psychological problems, emotional or mental disorders by a licensed clinician, using specified terms and criteria identified in the current editions of the Diagnostic and Statistical Manual of Mental Disorders or the International Statistical Classification of Diseases and Related Health Problems.*

(5) *Face-to-Face.*

(a) *“Face-to-face” means supervision in the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or using video conferencing that allows individuals to hear and see each other in actual points in time.*

(b) *“Face-to-face” does not include telephone supervision or internet communication such as email, social networking websites, or instant messaging that does not involve real time video conferencing.*

(6) *“Group supervision” means the provision of face-to-face supervision to more than one individual at a time.*

(7) *“Licensed mental health care provider” means:*

(a) *A licensed clinical marriage and family therapist; or*

(b) *A licensed clinical professional counselor, licensed clinical alcohol and drug counselor, licensed clinical professional art therapist, licensed certified social worker-clinical, psychiatrist, psychologist, or psychiatric nurse practitioner who is authorized by law to practice a health occupation which includes the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.*

(8) *“Relative” means:*

(a) *Spouse or domestic partner;*

- (b) Parent, stepparent, or legal guardian;
- (c) Sibling or stepsibling;
- (d) Child, stepchild, foster child, or ward;
- (e) Mother-in-law or father-in-law;
- (f) Son-in-law or daughter-in-law;
- (g) Sister-in-law or brother-in-law;
- (h) Grandparent or grandchild;
- (i) Aunt or uncle;
- (j) Niece or nephew; or
- (k) Cousins.

(9) "Scope of competence" means that area within which the individual is proficient to practice, based on education, training, supervised experience, and professional credentials.

(10) "Supervised clinical experience in marriage and family therapy" means the provision of marriage and family therapy services conducted under the clinical supervision of an approved licensed clinical marriage and family therapy supervisor.

(11) "Supervisee" means a licensed graduate marriage and family therapist, who is fulfilling the experiential or course of study requirements under Health Occupations Article, §17-303, Annotated Code of Maryland.

(12) Supervision.

(a) "Supervision" means a formalized professional relationship between a supervisor and supervisee that involves directing, guiding, monitoring, instructing, and evaluating the supervisee's clinical marriage and family therapy practice while promoting development of the supervisee's knowledge, skills, and abilities to provide clinical professional marriage and family therapy services in an ethical and competent manner.

(b) "Supervision" includes an acceptance of direct responsibility for the client services rendered by the supervisee.

(13) Supervision Training.

(a) "Supervision training" means a course or program designed to provide information regarding the supervision process utilized by Licensed Clinical Marriage and Family Therapists in a variety of settings.

(b) "Supervision training" content areas may include, but are not limited to:

- (i) The role and responsibilities of the supervisor;
- (ii) The needs of the supervisee, supervisor, and the clinical services setting while maintaining a clear ethical perspective;
- (iii) The role of the supervisor as gatekeeper to the profession;
- (iv) Methods for building effective and appropriate relationships with clients;
- (v) Methods for group supervision; and
- (vi) Models and modalities for practice intervention.

(14) "Under the clinical supervision of an approved licensed clinical marriage and family therapy supervisor" means engaging in a process of receiving direction from a Board-approved licensed supervisor that includes:

(a) Monitoring the performance of a Licensed Graduate Marriage and Family Therapist; and

(b) Providing documented and direct consultation, guidance, and instruction with respect to clinical skill and competency.

(15) "Written contract for supervision" means an agreement between the supervisee and approved supervisor that is initiated before beginning supervision and that details the scope of supervision, and includes at a minimum the following elements:

- (a) Primary purpose, goals, and objectives of the supervision process;
- (b) Frequency of supervision provided;
- (c) Documentation;
- (d) Duties and responsibilities of supervisor and supervisee;
- (e) Procedural considerations in the case of the supervisor's absence; and
- (f) Supervisor's scope of competence.

.03 Composition of Supervised Clinical Experience.

A. A licensed graduate marriage and family therapist shall complete at least 80 percent of the requisite hours of supervised clinical experience in marriage and family therapy under the supervision of an approved licensed clinical marriage and family therapy supervisor.

B. A licensed graduate marriage and family therapist may complete the remainder of the hours of supervised clinical experience in marriage and family therapy under the supervision of one of the following, provided the supervisor can document a minimum of 5 years' experience delivering marriage and family therapy services:

- (1) A licensed clinical alcohol and drug counselor;
- (2) A licensed clinical professional counselor;
- (3) A licensed clinical professional art therapist; or
- (4) Another mental health care provider:
 - (a) Licensed under Health Occupations Article, Annotated Code of Maryland; and

(b) *Approved by the Board.*

.04 Required Hours of Supervised Experience.

A. *To qualify for a license to practice clinical marriage and family therapy, an applicant holding a master's or doctoral degree shall have completed not less than 2 years with a minimum of 2,000 hours of supervised clinical experience in marriage and family therapy, 2 years of which shall have been completed after the awarding of the master's degree.*

B. *The supervised clinical experience required in §A of this regulation shall include:*

- (1) *1,000 therapy hours, all of which shall be face-to-face client contact hours; and*
- (2) *50 face-to-face clinical supervision hours, of which:*
 - (a) *At least 25 hours shall be face-to-face individual supervision; and*
 - (b) *25 hours may be in face-to-face group supervision.*

.05 Standards for Supervision.

A. *A supervisor shall:*

- (1) *Supervise only in those areas within the supervisor's competence as determined by education, training, and experience;*
- (2) *Provide supervision appropriate to the particular level of licensure being applied for or maintained;*
- (3) *Provide supervision in the general content areas established in Health Occupations Article, §17-303, Annotated Code of Maryland; and*
- (4) *Ensure that a supervisee has read and is knowledgeable about:*
 - (a) *Health Occupations Article, Title 17, Annotated Code of Maryland; and*
 - (b) *COMAR 10.58, with special emphasis on the Code of Ethics, COMAR 10.58.03.*

B. *In addition to the requirements of §A of this regulation, the supervisor shall specifically instruct and provide guidance relating to the supervisee's scope of practice of Clinical Marriage and Family Therapy under Health Occupations Article, §17-101, Annotated Code of Maryland.*

C. *The supervisor shall also instruct and provide guidance to supervisees in:*

- (1) *Appropriate billing practices if applicable to the practice site, including:*
 - (a) *Financial record keeping and disclosure; and*
 - (b) *Establishment and disclosure to clients of:*
 - (i) *Fees for services;*
 - (ii) *Payment arrangements;*
 - (iii) *Payment plans;*
 - (iv) *Financial services; and*
 - (v) *Terms and conditions of service;*
- (2) *Providing services involving the application of therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems, emotional conditions, or mental conditions of individuals, families, couples or groups, as stated in Health Occupations Article, §17-308, Annotated Code of Maryland; and*
- (3) *Appropriate maintenance and destruction of clinical and financial records.*

D. *The following individuals may not provide clinical supervision for a Licensed Graduate Marriage and Family Therapy supervisee:*

- (1) *A relative;*
- (2) *A licensed graduate marriage and family therapist, licensed graduate alcohol and drug counselor, a certified alcohol and drug counselor, licensed graduate professional counselor, licensed graduate professional art therapist, or any other graduate level health care provider licensed under Health Occupations Article, Annotated Code of Maryland; or*
- (3) *An individual with whom there could be a conflict of interest, including, but not limited to, an employee supervising their own employer or a student supervising their own teacher.*

.06 Supervisors — Qualifications.

A. *Licensure. An individual providing supervision shall be:*

- (1) *Licensed by the Board as a clinical marriage and family therapist;*
- (2) *A clinical professional counselor, a clinical alcohol and drug counselor, or a clinical professional art therapist; or*
- (3) *A licensed mental health care provider as defined in Regulation .02B(7) of this chapter and approved by the Board.*

B. *Education, Training, or Supervision Experience.*

(1) *A supervisor, licensed by the Board under Health Occupations Article, Title 17, Annotated Code of Maryland, or any mental health care provider licensed under Health Occupations Article, Annotated Code of Maryland, who is approved by the Board and has completed 3 years of documented experience in marriage and family therapy, shall complete any of the following options by December 31, 2016:*

(a) *2 years of documented experience providing supervision for marriage and family therapists working with families from a systemic perspective and conceptualizing family cases using a recognized family theoretical model;*

(b) At least 3 graduate semester credit hours or 5 quarter credit hours of academic coursework which includes counseling supervision;

(c) A graduate level course in marriage and family therapy supervision;

(d) Hold the American Association for Marriage and Family Therapy Approved Supervisor designation; or

(e) Hold the American Association for Marriage and Family Therapy Supervisor In Training or Supervisor Candidate designation.

(2) In addition to the requirements of §B(1) of this regulation, a supervisor shall complete at least 6 semester credit hours or 10 quarter-credit hours of graduate-level academic training in Theories of Couples and Family Therapy.

(3) Licensed individuals who applied for and were granted board-approved supervisor status before December 31, 2016 based on 2 years of documented experience providing marriage and family therapy supervision may continue to provide marriage and family therapy supervision after that date.

(4) After December 31, 2016, applicants for Board-approved supervisor status shall have 3 years documented experience in marriage and family therapy, as approved by the Board, and shall complete the requirements of §§A, B(1)(b), (c), (d), or (e) and (2) of this regulation.

(5) Supervision training required by this section may be obtained in a graduate course as listed in §B(1)(b) of this regulation and may include, but not be limited to:

(a) The role and responsibilities of the supervisor;

(b) The needs of the supervisee, supervisor, and the agency setting while maintaining a clear ethical perspective, including the maintenance of appropriate boundaries, and making clinically appropriate diagnoses;

(c) The role of the supervisor as gatekeeper to the profession;

(d) Methods for building effective and appropriate relationships with clients;

(e) Models for group supervision; and

(f) Models and modalities for practice intervention.

C. *Pre-Supervision Responsibilities of a Supervisor.* In addition to meeting the requirements of this regulation, before beginning supervision, the supervisor shall:

(1) File with the Board the licensed clinical marriage and family therapy approved supervisor application form;

(2) Provide the supervisee with a copy of the Board's licensed clinical marriage and family therapy approved supervisor letter; and

(3) Have an active license that is without restrictions or conditions due to disciplinary action for the 2 years preceding an application for licensed clinical marriage and family therapy approved supervisor status.

.07 Responsibilities of a Clinical Marriage and Family Therapy Supervisor.

A supervisor shall:

A. Establish a written contract for supervision initiated before beginning supervision;

B. Ensure that the supervisee is practicing within the scope of the supervisee's credentials;

C. Determine the skill level at which the supervisee may practice;

D. Focus on primary data from the supervisee's practice;

E. Maintain documentation, for at least 7 years, of supervisory sessions, including dates, duration, and focus of the supervisory sessions;

F. Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 17, Annotated Code of Maryland, and COMAR 10.58, with special emphasis on the Code of Ethics, COMAR 10.58.03;

G. Within a reasonable period of time before termination of supervision, provide the supervisee and employer with a written notice of termination to avoid or minimize any harmful effect on the supervisee's clients or patients;

H. Be responsible for the clinical marriage and family therapy practices of supervisees;

I. In the absence of the supervisor of record, provide for clinical supervision and direction to a supervisee by a licensed mental health care provider as defined in Regulation .02B(7) of this chapter;

J. Provide regular evaluation of the supervisee's progress to the supervisee;

K. Provide a copy of the documentation required by Regulation .06 of this chapter:

(1) On request of the supervisee; or

(2) On request of the Board or its authorized agent; and

L. Comply with a Board audit of a supervisor's compliance with regard to the supervision requirements and supervisory responsibilities.

.08 Responsibilities of a Supervisee.

A. A supervisee shall:

(1) Verify that the supervisee's supervisor has been approved by the Board;

(2) Agree to the written contract for supervision established with the supervisor of record before beginning supervision;

(3) Prepare for supervision using case materials related to the supervisee's clinical marriage and family therapy practice;

(4) Maintain documentation, for at least 7 years, of supervisory sessions, including dates, duration, and focus of the supervision, to be available for verification to the Board, on request of the Board or its authorized agent; and

- (5) Follow all terms of the written contract for supervision.*
- B. A supervisee may not engage in the practice of clinical marriage and family therapy independent of supervision.*
- C. A supervisee shall provide the client with a copy of a professional disclosure statement as required under Health Occupations Article, §17-507, Annotated Code of Maryland, that:
 - (1) Clearly states the marriage and family therapy services are provided under clinical supervision; and*
 - (2) Provides the name of the supervisor with address and contact information.**
- D. A supervisee shall obtain a signed informed consent for treatment form from the client which indicates that the client:
 - (1) Is aware that marriage and family therapy services are being provided under clinical supervision; and*
 - (2) Consents to the recording of therapy sessions and the sharing of client information and, acknowledges that all these materials may be shared with:
 - (a) The approved supervisor of record; or*
 - (b) The instructor supervising an education-related practicum.***

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Secretary of Health and Mental Hygiene