

RULES AND REGULATIONS
FOR LICENSING
MENTAL HEALTH COUNSELORS AND
MARRIAGE AND FAMILY THERAPISTS
(R5-63.2-MHC/MFT)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

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the provisions of section 42-35-4.1 of the
Rhode Island General Laws, as amended)**

INTRODUCTION

These *Rules and Regulations for the Licensing of Mental Health Counselors and Marriage and Family Therapists (R5-63.2-MHC/MFT)* are promulgated pursuant to the authority conferred under sections 42-35 and 5-63.2 of the General Laws of Rhode Island, as amended. These regulations are established for the purpose of adopting minimum standards pertaining to the licensure of mental health counselors and marriage and family therapists in this state.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) any significant economic impact on small business, as defined in Chapter 42-35 of the General Laws. Based upon available information, no known alternative approach, duplication or overlap, or significant economic impact was identified. The protection of the health, safety and welfare of the public necessitates the adoption of these regulations, despite the economic impact which may be incurred as a result of the regulations.

These rules and regulations shall supersede all previous rules and regulations pertaining to the licensing of mental health counselors and marriage and family therapists promulgated by the Department of Health and filed with the Rhode Island Secretary of State.

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PART I *DEFINITIONS*

Section 1.0 *Definitions*

Wherever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 "**Act**" refers to Chapter 5-63.2 of the Rhode Island General Laws, as amended, entitled, "Mental Health Counselors and Marriage and Family Therapists."
- 1.2 "**Administrator**" means the Administrator of the Division of Professional Regulation at the Rhode Island Department of Health.
- 1.3 "**Advertise**" means, but is not limited to, the issuing or causing to be distributed any card, sign, or device to any person; or the causing, permitting, or allowing any sign or marking on or in any building, radio or television, or by advertising by any other means designed to secure public attention.
- 1.4 "**Allied field**" means counselor education, psychology, marriage and family therapy, counseling psychology, community mental health, education with a concentration in counseling or psychology, or other field determined by the Board to be an allied field. Said allied field shall include all components of the core curriculum, as it appears in Appendix "A" or Appendix "A-1" herein (for a clinical mental health counselor license) or in Appendix "B" herein (for a marriage and family therapist license).
- 1.5 "**Board**" means the Board of Mental Health Counselors and Marriage and Family Therapists.
- 1.6 "**Clinical counselor in mental health**" means a person who has been licensed pursuant to Chapter 5-63.2-9 of the Rhode Island General Laws, as amended, which license is in force and not suspended or revoked as of the particular time in question.
- 1.7 "**Clinical instruction**" means all supervised course work within which the student has the opportunity to engage in a broad range of clinical activities similar to those performed by a licensed counselor/therapist. This includes all practice and internships completed within a student's program.
- 1.8 "The practice of **clinical mental health counseling**" means the rendering of professional services to individuals, families or groups for monetary compensation. These professional services would include:
 - 1.8.1 Applying the principals, methods and theories of counseling and/or psychotherapeutic techniques to define goals and develop a treatment plan of action aimed toward the prevention, treatment and resolution of social, mental, and emotional dysfunction and intra- or interpersonal disorders in persons diagnosed at intake as nonpsychotic and not presenting medical problems; and
 - 1.8.2 Engaging in psychotherapy of a nonmedical nature utilizing supervision when appropriate and making referrals to other psychiatric, psychological or medical resources when the person is diagnosed as psychotic or presenting a medical problem.

- 1.9 **"Department"** means the Rhode Island Department of Health.
- 1.10 **"Director"** means the Director of the Rhode Island Department of Health.
- 1.11 **"Division"** means the Division of Professional Regulation at the Rhode Island Department of Health.
- 1.12 **"Individual (face-to-face) supervision"** means a tutorial relationship between a member of the mental health counseling profession and a student trainee. The supervisor monitors the clinical work of the trainee in order to evaluate this work, monitor the quality of services being offered to clients, and enhance the professional growth of the trainee.
- 1.13 **"Internship"** means a distinctly-defined, post-practicum that is a part of an organized graduate program in counseling therapy and shall constitute a supervised experience within a mental health and/or marriage and family setting.
- 1.14 **"Marriage and family therapist"** means a person who has been licensed pursuant to Chapter 5-63.2-10 of the Rhode Island General Laws, as amended, which license is in force and not suspended or revoked as of the particular time in question.
- 1.15 **"Person"** means any individual, firm, corporation, partnership, organization or body politic.
- 1.16 The **"practice of marriage and family therapy"** means the rendering of professional services to individuals, family groups, couples or organizations for monetary compensation. These professional services would include applying principles, methods, and therapeutic techniques for the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing communications and understanding among all family members and the prevention of family and individual crisis. Individual marriage and family therapists also engage in psychotherapy of a nonmedical and nonpsychotic nature with appropriate referrals to psychiatric resources.
- 1.17 **"Practicum"** means a distinctly defined, pre-internship that is a part of an organized graduate program in counseling therapy and shall constitute a supervised experience within the graduate counseling program.
- 1.18 **"Qualified supervision"** means the supervision of clinical services in accordance with standards established by the Board under the supervision of an individual who has been recognized by the Board as an approved supervisor.
- 1.19 **"Recognized educational institution"** means any educational institution which grants a Bachelor's, Master's, or Doctoral degree, and which is recognized by the Board of Mental Health Counselors and Marriage and Family Therapy Examiners or a recognized post-graduate clinical training program as specified in sections 5-63.2-9(2) and 5-63.2-10(2) of the Act.

1.20 To "*use a title or description of*" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification.

PART II ***PROFESSIONAL LICENSING REQUIREMENTS***

Section 2.0 ***Licensure Application***

2.1 Each person desiring to obtain a license as a practicing marriage and family therapist or clinical mental health counselor shall make application thereof to the Board upon such forms and in such manner as prescribed by the Board.

2.2 ***As of July 3, 1996***, any certified marriage and family therapist or clinical mental health counselor shall automatically obtain licensure status by the Rhode Island Department of Health, without any additional application made to the Board. This transition from certification to licensure shall not require an additional fee payment.

2.3 ***Applications after January 1, 1998:***

Any person who applies to the Board after January 1, 1998 shall be issued a license by the Board if she/he meets the qualifications set forth below:

2.3.1 is of good moral character;

2.3.2 has not engaged or is not engaged in any practice or conduct that would be grounds for refusing to issue a license under section 5-63.2-21 of the Act;

2.3.3 holds an appropriate graduate degree, as defined by the Board in the designated core curriculum established herein, from a regionally accredited institution so recognized at the time of granting such degree or has been certified by the Department as a mental health counselor and/or marriage and family therapist in accordance with section 2.2 (above);

2.3.4 successfully completes two (2) calendar years of work experience in marriage and family therapy or mental health counseling under qualified supervision following receipt of a qualifying degree;

2.3.5 passes an examination administered by the Board.

Section 3.0 ***Qualifications for Licensure of Clinical Mental Health Counselors***

3.1 An applicant for licensure shall submit to the Board written evidence on forms furnished by the Division verified under oath (i.e., notarized) that said applicant:

3.1.1 is of good character; and

3.1.2 has received a graduate degree specializing in counseling/therapy from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional

accrediting agency, and which has the approval by a cognizable national or regional certifying authority; *or*

- 3.1.3 has a master's degree or certificate in advanced graduate studies or a doctoral degree in mental health counseling from a recognized educational institution, or a graduate degree in an allied field from a recognized educational institution and graduate level course work that is equivalent to a master's degree in mental health counseling. Coursework must include the required components of the core curriculum as indicated in Appendix "A" or Appendix "A-1"; and
- 3.1.4 has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate counseling/therapy program; and
- 3.1.5 has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of supervised practicum and a minimum of one (1) calendar year of supervised internship consisting of twenty (20) hours per week or its equivalent with emphasis in mental health counseling supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program recognized by the United State Department of Education, or education and/or experience which is deemed equivalent by the Board; and
- 3.1.6 has completed a minimum of two (2) years of relevant post-graduate experience, including at least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with emphasis in mental health counseling subsequent to being awarded a Master's degree, Certificate of Advanced Graduate Study or Doctorate; and
- 3.1.7 a minimum of one hundred (100) hours of post-degree supervised case work spread over a two (2) year period, provided such supervision was provided by a person who at the time of rendering said supervision was recognized by the Board as an approved supervisor under the following guidelines; and
 - i) For the purposes of the rules and regulations herein, a person shall be an "approved supervisor" of clinical mental health counselor post-graduates if she/he is: a licensed clinical mental health counselor, a licensed psychiatrist, a licensed psychologist, a licensed marriage and family therapist, or a licensed independent clinical social worker, who has five (5) years clinical experience in the practice of his/her professional discipline, and has either successfully completed one graduate course in supervision in counseling, taken at an institution of higher learning, or is certified as a supervisor within his/her own discipline, or has at least two (2) years experience supervising professional staff in a clinical mental health setting.
- 3.1.8 has passed to the satisfaction of the Board an examination conducted by it to determine the applicant's qualification for licensure as a clinical mental health counselor or is applying for

licensure under the provisions of section 5-63.2-15 of the Rhode Island General Laws, as amended.

- 3.2 A candidate shall be held to have qualified for licensure as a clinical mental health counselor upon the affirmative vote of at least four (4) members of the Board, two (2) of whom must be mental health counselors on the Board.

Section 4.0 *Qualifications for Licensure of Marriage and Family Therapists*

- 4.1 An applicant for licensure shall submit to the Board written evidence on forms furnished by the Division verified under oath (i.e., notarized) that said applicant:

- 4.1.1 is of good character; and
- 4.1.2 has completed a graduate degree program specializing in marital and family therapy from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accreditation agency; *or*
- 4.1.3 has a master's degree or certificate in advanced graduate studies or a doctoral degree in marriage and family therapy from a recognized educational institution, or a graduate degree in an allied field from a recognized educational institution and graduate level course work that is equivalent to a master's degree in marriage and family therapy. Coursework must include the required components of the core curriculum as defined in Appendix "B" herein; and
- 4.1.4 has completed sixty (60) semester hours or ninety (90) quarter hours within their graduate degree program specializing in marital and family therapy; and
- 4.1.5 has completed a minimum of twelve (12) semester hours or eighteen (18) quarter hours of supervised practicum and a one (1) calendar year of supervised internship consisting of twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy supervised by the department within the college or university granting the requisite degree or by an accredited postgraduate clinical training program, approved by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education or education and/or experience which is deemed equivalent by the Board; and
- 4.1.6 has had a minimum of two (2) years of relevant postgraduate experience, including at least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy services with emphasis in marriage and family therapy subsequent to being awarded a master's degree or doctorate; and
- 4.1.7 has had a minimum of one hundred (100) hours of post-degree supervised case spread over two (2) years, provided such supervision was provided by a person who at the time of

rendering said supervision was recognized by the Board as an approved supervisor under the following guidelines; and

- i) For the purposes of the rules and regulations herein, a person shall be an “approved supervisor” of marriage and family therapy post-graduates if she/he is duly certified as a supervisor by the American Association of Marriage and Family Therapists (AAMFT).

4.1.8 has passed to the satisfaction of the Board an examination conducted by it to determine the applicant's qualification for licensure as a marriage and family therapist or is applying for licensure under the provisions of section 5-63.2-15 of the Rhode Island General Laws, as amended.

4.2 A candidate shall be held to have qualified for licensure as a marriage and family therapist upon the affirmative vote of at least four (4) members of the Board, two (2) of whom must be marriage and family therapists on the Board.

Section 5.0 *Application for Licensure & Fees*

5.1 Application for license to practice as a mental health counselor or a marriage and family therapist shall be made on forms provided by the Division of Professional Regulation, which shall be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting at which they are to be reviewed.

5.2 Such application shall be accompanied by the following:

5.2.1 For U.S. born applicants:
a certified copy of birth certificate;

For Non-U.S. born applicants:
documented evidence of lawful entry into the country;

5.2.2 Two (2) references from responsible professional persons attesting to the applicant's good moral character;

5.2.3 A passport-type photograph of the applicant;

5.2.4 A non-refundable application fee of three hundred fifty dollars (\$350) made payable by check or money order to the General Treasurer, State of Rhode Island. In no case shall said fee be returned. Applicants requiring reexamination shall submit a fee of three hundred fifty dollars (\$350) for each reexamination.

Section 6.0 *Examination of Applicants*

- 6.1 Examination for licensure shall be conducted by the Division, as scheduled by the Director, and offered by the Board at least twice a year according to methods and in each subject fields as it deems most practical and expeditious to test the applicant's qualifications.
- 6.2 The Board may require examinations to be written or oral, or both. In any written examination, the identity of the applicant shall not be disclosed to the Board until after the examination papers have been graded. Written examination papers shall be preserved and available to the Board for at least two (2) years.

Section 7.0 *Endorsement for Licensure*

- 7.1 A license as a clinical mental health counselor or marriage and family therapist may be issued, at the discretion of the Board, without examination, to an applicant who is a clinical mental health counselor where the applicant is licensed or certified in another state whose requirements are equivalent to or exceed the requirements established pursuant to the Act.

Section 8.0 *Expiration & Renewal of License*

- 8.1 Every clinical mental health counselor and marriage and family therapist who desires to continue licensure as a licensed clinical mental health counselor and licensed marriage and family therapist shall present satisfactory evidence to the Board and approved by the Board that the licensed clinical mental health counselor and licensed marriage and family therapist has completed a prescribed course of continuing education in accordance with the requirements of section 10.0 herein.
- 8.2 The license of every person licensed under the provisions of the Act shall expire on the first day of July of the next even year following the date of his/her license; provided, however, that no license shall expire prior to July 1, 1998.
- 8.3 On or before the first day of May in each even year, commencing in the year 1998, the Administrator shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current year and every person so licensed who desires to renew his/her license shall file with the Division such renewal application duly executed, which application shall include verification of prescribed continuing education requirements, together with two hundred fifty dollars (\$250.00) on or before the first day of June in each even year. Upon receipt of such application and payment of said fee, the accuracy of the application shall be verified and the Administrator of Professional Regulation shall grant a renewal license effective July 1st and expiring twenty-four (24) months thereafter.
- 8.4 Any person who allows his/her license to lapse, by failing to renew it on or before June 1st in each even year, as provided in section 8.3 above, may be reinstated by the Administrator of Professional Regulation on payment of the current renewal fee plus an additional fee of fifty dollars (\$50) and verification of prescribed continuing education requirements.

- 8.4.1 Any person using the title "clinical mental health counselor" and/or "marriage and family therapist" during the time his/her license has lapsed shall be subject to the penalties provided for violation of the Act.
- 8.4.2 Provided, however, that if a person has allowed his/her license to lapse for four (4) years or more, he/she shall be reinstated at the discretion of the Board.

Section 9.0 ***Transfer to Inactive Lists--Reinstatement***

- 9.1 A licensed clinical mental health counselor and/or licensed marriage and family therapist who does not intend to continue his/her licensure, upon written request to the Administrator, may have his/her name transferred to an inactive list, and shall not be required to pay the renewal fee as long as he/she remains inactive. Should he/she wish to resume functioning as a licensed clinical mental health counselor and/or licensed marriage and family therapist, he/she shall so notify the Administrator and remit his/her renewal fee and his/her license shall be reinstated.

Section 10.0 ***Continuing Education Requirements***

- 10.1 The application for license renewal shall include satisfactory evidence of completion of at least forty (40) credits of continuing education relevant to the practice of clinical mental health counseling or marriage and family therapy practice, completed over the two (2) year period preceding re-licensure. Furthermore, twenty (20) of the forty (40) credits of continuing education shall be completed within Category 1, Formal Programs, as set forth hereunder.
- 10.2 Continuing education programs sponsored or approved by the following organizations are deemed to be approved by the Board: American Counseling Association (ACA), American Mental Health Counselors Association (AMHCA), National Board for Certified Counselors, Inc. (NBCC), American Association for Marriage and Family Therapy (AAMFT), Rhode Island Mental Health Counselors Association (RIMHCA), Rhode Island Counseling Association (RICA), Rhode Island Marriage and Family Therapist Association (RIMFTA), National Association of Social Workers (NASW), American Psychological Association (APA), American Medical Association (AMA) or such other nationally-recognized organizations, as approved by the Board.
- 10.3 ***Categories of Continuing Education Programs and Credits:***
The Board recognizes the following categories of continuing education programs and/or activities and established credit hours.

<i>Category I:</i> Formal continuing education program that may consist of courses, workshops, and/or institutes.	<i>Credit:</i> 1 credit per hour; minimum 20 credits per two (2) year cycle.
<i>Category II:</i> Professional and scientific meetings and self-directed continuing education activities that may consist of local, regional, national symposia, colloquia, journal clubs, home study courses, etc.	<i>Credit:</i> 1 credit per hour
<i>Category III:</i> Exceptional contributions to professional development that may	<i>Credit:</i> 10 credits for each

<p>consist of formal lectures or written publications (e.g., teaching a relevant course at the graduate level in an accredited institution, serving as an elected officer on national or international organizations (e.g., ACA, NBCC, AAMFT, or other such similar contributions).</p>	<p>publication or formal lecture 20 credits for national or international contribution.</p>
<p>Category IV: Working as an “approved supervisor” of a post-graduate clinical mental health counselor or marriage and family therapist for a full academic year.</p>	<p>Credit: 6 credits per year 6 credits maximum per two (2) year cycle</p>

- 10.4 If the applicant submits satisfactory evidence to the Board that she/he has completed the prescribed continuing education credits relevant to the practice of clinical mental health counseling or the practice of marriage and family therapy, as set forth in section 10.3 herein, and has complied with the provisions of the Act and the regulations herein, the Administrator of Professional Regulation shall grant a renewal license effective July 1st and expiring twenty-four (24) months thereafter.
- 10.4.1 Clinical mental health counselors and marriage and family therapists licensed during the two (2) year period preceding license renewal shall have their credits for continuing education prorated according to the time remaining before renewal date of registration.
- 10.4.2 An extension of time to complete the continuing education requirements may be granted to a clinical mental health counselor or marriage and family therapist solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.
- 10.5 It shall be the sole responsibility of the individual clinical mental health counselor or marriage and family therapist to obtain documentation from the approved sponsoring or co-sponsoring organization, agency, or institution of his/her participation in a continuing education program and/or activity that shall include no less than the date, time, subject matter, name of lecturer or teacher, or such other data, and the number of credits earned. Those documents shall be retained by each licensee for no less than three (3) years (i.e., from the date of license renewal) and are subject to random audit by the Department.
- 10.6 A license shall be denied to any applicant who fails to provide satisfactory evidence of continuing education relevant to counseling/family studies as required herein.
- 10.7 A clinical mental health counselor or marriage and family therapist whose license has been revoked for failing to satisfy the continuing education requirements herein shall be required to complete such additional continuing education credits as may be required by the Board for the preceding two (2) year cycle.
- 10.8 Failure to comply with any provisions of this section shall be subject to the sanctions of section 14.0 herein. Furthermore, all hearings and reviews that may be required shall be subject to the provisions of section 13.0 herein.

Section 11.0 *Privileged Communications*

11.1 The provisions of Chapters 9-17-24 ("Privileged Communications to and Information Obtained by Health Care Providers") and 5-37.3 ("Confidentiality of Health Care Information Act") of the General Laws of Rhode Island, as amended, shall apply to persons licensed pursuant to the Act and the rules and regulations herein.

PART III ***GROUNDS FOR DISCIPLINE, PENALTIES FOR VIOLATIONS & PROHIBITED ACTS***

Section 12.0 ***Grounds for Discipline***

12.1 The Board shall have the power to deny, revoke or suspend any registration issued by the Administrator or applied for in accordance with the Act or otherwise to discipline a licensed clinical mental health counselor and/or a licensed marriage and family therapist upon proof that the person:

12.1.1 is guilty of fraud or deceit in procuring or attempting to procure a registration;

12.1.2 is guilty of a felony or of a crime of immorality;

12.1.3 is habitually intemperate or is addicted to the use of habit-forming drugs;

12.1.4 is mentally incompetent;

12.1.5 has willfully or repeatedly violated any of the provision of the Act;

12.1.6 is habitually negligent in the performance of his/her duties;

12.1.7 has willfully or repeatedly violated any of the ethical principles governing mental health counselors and marriage and family therapists and the practice of mental health counseling and marriage and family therapy, as adopted by the Board, regardless of whether or not the person is a member of any national, regional or state professional association; provided, however, that such ethical principles shall be of a nationally-recognized standard of the respective national professional organization.

Section 13.0 ***Procedures for Discipline***

13.1 When a sworn (i.e., notarized) complaint is filed with the Board charging a person with having been guilty of any of the action specified in section 12.0 herein, the Division shall immediately investigate such charges, or the Board, after investigation, may institute charges.

13.1.1 In the event such investigation shall reveal reasonable grounds for believing that the applicant or person licensed under the Act is guilty of the charges, the Board shall fix a time and place for hearing thereof, and shall cause a copy of the charges together with a notice of the time and the place fixed for hearing to be served personally upon the accused at least twenty (20) days prior to the time fixed for the hearing.

a) When personal service cannot be effected and such fact is certified by oath by any person duly authorized to make service, the Board shall cause to be published once in each of two (2) successive weeks, a notice of the hearing in a newspaper published in the county where the accused last resided according to the records of the Board and

shall mail a copy of the charges and of such notice to the accused at his/her last known address.

- b) When publication of notice is necessary, the date of hearing shall not be less than twenty (20) days after the last date of publication of the notice.
- c) At the hearing, the accused shall have the right to appear personally or by counsel or both, to produce witnesses and evidence on his/her behalf, to cross-examine witnesses, and to have subpoenas issued by the Administrator. The attendance of witness and the production of books, documents and papers at the hearing may be compelled by subpoenas issued by said Administrator which shall be served in accordance with law.
- d) At the hearing, the said Administrator shall administer oaths as may be necessary for the proper conduct of the hearing. The Board shall not be bound by the strict rules of procedure or by the laws of evidence in the conduct of its proceedings but the determination shall be based upon sufficient legal evidence to sustain it.

- 13.2 If the accused is found guilty of the charges, the Board may refuse to issue a registration to the applicant or may revoke or suspend his/her license or otherwise discipline such person.
- 13.3 Upon the revocation or suspension of any license, the holder thereof shall surrender the same to the Administrator who shall strike the name of the holder from the register of licensed clinical mental health counselors and/or licensed marriage and family therapists.
- 13.4 A revocation or suspension of license may be reviewed at the discretion of the Board or at the initiative of the Administrator who may order a rehearing of the issue if he finds cause.

Section 14.0 *Penalties for Violations*

- 14.1 It shall be a misdemeanor for any person, in offering his/her services to the public to:
 - 14.1.1 use in connection with his/her name any designation tending to imply that he/she is a licensed clinical mental health counselor and/or licensed marriage and family therapist unless duly licensed under the provisions of the Act;
 - 14.1.2 use in connection with his/her name any designation tending to imply that he/she is a licensed clinical mental health counselor and/or licensed marriage and family therapist during the time his/her license issued under the provisions of the Act shall be suspended or revoked;
 - 14.1.3 otherwise violate any of the provisions of the Act or the rules and regulations herein.
- 14.2 All such misdemeanors shall be punishable by a fine of not more than five hundred (\$500) dollars for each offense.

14.3 *Injunction of Violations*

When it appears to the Board that any person is violating any of the provisions of the Act, the Director may cause to be instituted an action, commenced in the name of the Board, to enjoin such violation in a court of competent jurisdiction and said court may enjoin any person from violating any of the provisions of the Act without regard to whether proceedings have been or may be instituted before the Board or whether criminal proceedings have been or may be instituted.

Section 15.0 *Prohibited Acts*

15.1 Except as specifically provided elsewhere in the Act, no person who is not licensed under the Act shall:

15.1.1 advertise the performance of marriage and family therapy or mental health counseling services by him/her;

15.1.2 use a title or description such as "marital or marriage therapist, counselor, advisor or consultant", "marital or marriage and family therapist, counselor, advisor, or consultant", "mental health advisor or consultant" or any other name, style or description denoting that the person is a marriage and family therapist or mental health counselor; or

15.1.3 practice marriage and family therapy;

15.1.4 practice mental health counseling.

Section 16.0 *Exemptions*

16.1 No provisions of the Act shall be construed to limit the practice of medicine, osteopathy, psychology, clinical social work, psychiatric nursing, or other recognized business or profession, or to prevent qualified members of other professions from doing work of a nature consistent with their training so long as they do not hold themselves out to the public as a licensed mental health counselor or marriage and family therapist.

16.2 No person shall be required to be licensed under the Act who:

16.2.1 is a salaried employee of a government agency or of a developmental services program or of a mental health, alcohol, or drug abuse facility operating pursuant to Chapter 40.1-24 of the Rhode Island General Laws, as amended, or who is an employee of an accredited academic institution or research institution, if such employee is performing duties for which he was hired solely within the confines of such agency, facility or institution;

16.2.2 is a student who is pursuing a course of study which leads to a degree in medicine or a profession regulated by the Act who is providing services in a training setting, provided such activities or services constitute part of a supervised course of study, or is a graduate accumulating the experience required for any licensure under the Act; provided such graduate

or student is designated by a title such as "intern" or "trainee" which clearly indicates the in-training status of the student;

16.2.3 is certified in school psychology by the Department of Education and is performing psychological services as an employee of a public or private educational institution;

16.2.4 is a rabbi, priest, minister, or member of the clergy of any religious denomination or sect when engaging in activities which are within the scope of the performance of his/her regular or specialized ministerial duties and for which no separate charge is made, or when such activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with other, of an established and legally recognized church, denomination, or sect, and when the person rendering service remains accountable to the established authority thereof.

Section 17.0 ***Board of Mental Health Counselors and Marriage and Family Therapists***

17.1 Within the Division, there shall be a Board of Mental Health Counselors and Marriage and Family Therapists consisting of nine (9) members.

17.2 ***Composition of the Board***

The Director of Health, with the approval of the Governor, shall appoint nine (9) electors as members of the Board.

17.2.1 Three (3) shall be clinical mental health counselors, at least two (2) of whom shall meet the qualifications of section 5-63-9 of the Rhode Island General Laws, as amended, and have at least five (5) years of private practice experience in mental health counseling;

17.2.2 Three (3) shall be marriage and family therapists, who are clinical marriage and family therapists who shall meet the qualifications of section 5-63-10 of the Rhode Island General Laws, as amended, and have at least five (5) years of private practice experience in marriage and family therapy;

17.2.3 Three (3) shall be members of the public.

17.3 Commencing September 1996, the Director of Health shall appoint one (1) clinical mental health counselor for one (1) year, one (1) clinical mental health counselor for two (2) years, one (1) clinical mental health counselor for three (3) years; one (1) marriage and family therapist for one (1) year, one marriage and family therapist for two (2) years, and one (1) marriage and family therapist for three (3) years, and one (1) public member for two (2) years and two (2) public members for three (3) years. Thereafter, all terms of appointments shall be for three (3) years. In no instance shall a person serve more than six (6) consecutive years on the Board.

17.4 ***Organization and Meeting of the Board***

17.4.1 The Board shall organize immediately after the appointment and qualification of the members thereof.

17.4.2 The Board shall elect annually a chairman and secretary.

17.4.3 Meetings may be called by the Chairman or the Director or by written request of four (4) members of the Board.

17.4.4 Five (5) members of the Board shall constitute a quorum, provided however, that a clinical mental health counselor and a marriage and family therapist must be present.

17.4.5 The Board shall meet as often as necessary.

17.5 ***General Powers of the Board***

17.5.1 The Board shall recommend for licensure at least twice a year.

17.5.2 It shall determine the tests which applicants for licensure shall take.

17.5.3 The Division shall adopt policies to be followed in the examination, licensure, and renewal of licenses of duly qualified applicants.

17.5.4 The Board shall conduct hearings upon charges calling for the discipline of a licensed clinical mental health counselor or licensed marriage and family therapist or for revocation of a license.

17.5.5 The Administrator shall have the power to issue subpoenas and compel the attendance of witnesses and administer oaths to person giving testimony at hearing.

17.5.6 The Board or the Director shall cause the prosecution of all persons violating the Act and shall have the power to incur such necessary expenses thereof.

17.5.7 Members of the Board shall serve without compensation.

Section 18.0 ***Rules Governing Practices & Procedures***

All hearing and reviews required under the provisions of Chapter 5-63.2 of the Rhode Island General Laws, as amended, shall be held in accordance with the provisions of the Act and of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 19.0 *Severability*

The provisions of the Act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of that court shall not affect or impair any of the remaining provisions.

October 17, 2001

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REFERENCES

1. "Administrative Procedures Act," Chapter 42-35 of the General Laws of Rhode Island, as amended.
2. *Rules and Regulations of the Rhode Island Department of Health Regarding the Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*, Rhode Island Department of Health, May 1997 and subsequent amendments thereto.
3. "Privileged Communication to and Information Obtained by Health Care Providers," Chapter 9-17-24 of the General Laws of Rhode Island, as amended.
4. "Confidentiality of Health Care Information Act," Chapter 5-37.3 of the General Laws of Rhode Island, as amended.

Appendix "A"

The Core Curriculum: Clinical Mental Health Counselors

(NOTE: On and after July 1, 2003, an applicant for licensure as a clinical mental health counselor shall meet the requirements set forth in Appendix "A-1". Prior to July 1, 2003, an applicant for licensure as a clinical mental health counselor shall meet the requirements set forth in *either* Appendix "A" *or* in Appendix "A-1."

The mental health counselor's standard curriculum is based upon a clinical focus that examines peoples' lives in the context of their histories and current life experiences.

A total of nine (9) courses (twenty-seven [27] semester or equivalent quarter hours) are to be obtained from areas I, II, and III (see description of each area below). A program may exercise discretion regarding which of the three (3) areas increases beyond the minimum to arrive at the twenty-seven (27) hour total.

A minimum of sixty (60) semester hours will be taken in the standard mental health counselor curriculum.

Area I: Theoretical Foundations of Counseling Theory

A minimum of two (2) courses (six [6] semester hours or equivalent quarter hours) will be taken in Area I.

In Area I, students conceptualize and distinguish the critical epistemological issues related to mental health counseling.

Students learn about the historical development, theoretical foundations, ethics, professional responsibilities and contemporary conceptual directions in the field of mental health counseling.

Course content should not be isolated conceptually from clinical concerns, nor is it adequate for students to deal only with practical treatment issues without reference to theoretical literature.

Area II: Assessment and Treatment in Clinical Mental Health Counseling

A minimum of four (4) courses (twelve [12] semester or equivalent quarter hours) will be taken in Area II.

Area II courses will provide students with a comprehensive survey and substantive understanding of the major models of counseling.

Courses taught in Area II will address the applied aspects of mental health counseling.

Courses taught in Area II will focus on diagnosis/assessment and treatment processes. Students will learn to diagnose and treat individuals and those individuals in the broader context of the relationships and nervous and

mental disorders, whether cognitive, affective, or behavioral. Counseling assessment methods and instruments will be covered.

Area III: Human Growth and Development and Social and Cultural Foundations

A minimum of two (2) courses (six [6] semester or equivalent quarter hours) will be taken in Area III.

In Area III, students will learn about human growth and individual differences.

Courses taught in Area III will emphasize the development of individuals within the context of their experience, both familial, social, and cultural.

Courses taught in Area III will enable the student to understand the individual as she/he develops through the life cycle. Child, adolescence, and adult issues will be explored.

Students will be exposed to issues of gender as they relate to growth and social factors. Sex discrimination and gender role stereotyping will be included in the course content.

Programs will expose all students to issues of ethnicity, race, socioeconomic culture as it affects individual behavior.

Course content will include issues of sexuality, sexual orientation, and sexual functioning.

Area IV: Research

A minimum of one (1) course (three [3] semester or equivalent quarter hours) will be taken in Area IV.

In Area IV, students gain an understanding of research methodology and data analysis, and learn to evaluate research in the mental health field.

Course content will include both quantitative and qualitative research.

Area V: Counseling Practicum

Counseling practicum will consist of at least twelve (12) semester hours or 18 quarter hours.

Counseling practicum usually consist of part time clinical work that includes a mix of direct contact hours with clients (5 to 10 hours per week), supervision, staff meetings, and record keeping.

Area VI: Supervised Clinical Instruction

One (1) calendar year of supervised internship, consisting of twenty (20) hours per week or its equivalent. It is expected that programs will document a student's satisfactory completion of this requirement.

Area VII: Electives

Courses may reflect a specialization area, or add knowledge and skills in the behavioral sciences, or in interdisciplinary studies.

Appendix "A-1"

The Core Curriculum: Clinical Mental Health Counselors

(NOTE: On and after July 1, 2003, an applicant for licensure as a clinical mental health counselor shall meet the requirements set forth in Appendix "A-1" below. Prior to July 1, 2003, an applicant for licensure as a clinical mental health counselor shall meet the requirements set forth in *either* Appendix "A" (above) *or* in Appendix "A-1" {below}).

Core Curriculum: An applicant needs to complete courses in each of the following eight (8) categories, in accordance with the minimum number of credits required in each category, for a total of thirty-three (33) credits:

1. ***Helping relationships and counseling theory*** (9 credits minimum) (i.e., counseling and consultation theories including both individual and systems perspectives as well as coverage of relevant research and factors considered in applications; basic interviewing, assessment, and counseling skills; counselor or consultant characteristics and behaviors that influence helping processes including age, gender, and ethnic differences, verbal and nonverbal behaviors and personal characteristics, orientation, and skills; client or consultee characteristics and behaviors that influence helping processes including age, gender and ethnic differences, verbal and non-verbal behaviors and personal characteristics, traits, capabilities, and life circumstances; and ethical considerations, counseling processes, counseling theories, marriage and family counseling, family counseling, systems concepts)
2. ***Human growth and development*** (3 credits minimum) (i.e., theories of individual and family development and transitions across the life-span; theories of learning and personality development; human behavior including an understanding of developmental crises, disability, addictive behavior, psychopathology, and environmental factors as they affect both normal and abnormal behavior; strategies for facilitating development over the life-span; ethical considerations)
3. ***Social and cultural foundations*** (3 credits minimum) (i.e., multicultural and pluralistic trends including characteristics and concerns of diverse groups; attitudes and behavior based on such factors as age, race, religious preference, physical disability, sexual orientation, ethnicity and culture, family patterns, gender, socioeconomic status, and intellectual ability; individual family, and group strategies with diverse populations; and ethical considerations)
4. ***Groups*** (6 credits minimum) (i.e., principles of group dynamics including group process components, developmental stage theories, group members' roles and behaviors; group leadership styles and approaches including characteristics of various types of group leaders and leadership styles; theories of group counseling including commonalities, distinguishing characteristics, and pertinent research and literature; group counseling methods including group counselor orientations and behaviors, ethical standards, appropriate selection criteria and methods, and methods of evaluation of effectiveness; approaches used for other types of group work, including task groups, prevention groups, support groups, and therapy groups; and ethical considerations)

5. ***Lifestyle and career development*** (3 credits minimum) (i.e., career development theories and decision making models; career, avocational, educational and labor market information resources, visual and print media, computer based career information systems; career development program planning, organization, implementation, administration and evaluation; interrelationships among work, family, and other life roles and factors including multicultural and gender issues as related to career development; career and educational placement, follow-up and evaluation; assessment instruments and techniques relevant to career planning and decision making; computer based career development applications and strategies, including computer assisted career guidance systems; career counseling processes, techniques and resources including those applicable to specific populations; and ethical considerations)
6. ***Appraisal*** (3 credits minimum) (i.e., theoretical and historical bases for assessment techniques; validity including evidence for establishing content, construct and empirical validity; reliability including methods of establishing stability, internal and equivalence reliability; appraisal methods including environmental assessment, performance assessment, individual and group test and inventory methods; behavioral observations, and computer managed and computer assisted methods; psychometric statistics including types of assessment scores, measures of central tendency, indices of variability, standards errors, and correlations; age, gender, ethnicity, language, disability, and cultural factors related to the assessment and evaluation of individuals and groups; strategies for selecting, administering, interpreting, and using assessment and evaluation instruments and techniques in counseling; ethical considerations)
7. ***Research and program evaluation*** (3 credits minimum) (i.e., basic types of research methods to include qualitative and quantitative research designs; basic parametric and nonparametric statistics; principles, practices, and applications of needs assessment and program evaluation; uses of computer for data management and analysis; ethical and legal considerations in research)
8. ***Professional orientation*** (3 credits minimum) (i.e., history of the helping professions including significant factors and events; professional roles and functions including similarities and differences with other types of professionals; professional organizations; ethical standards; professional preparation standards, their evolution and current applications; professional credentialing including certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues; and public policy processes including the role of the professional counselor in advocating on behalf of the profession and its clientele).

Appendix “B”

The Core Curriculum: Marriage and Family Therapists

Areas of Study		Minimum Requirements	
		Courses	Semester Hours
I.	Theoretical Foundations of Marriage and Family Therapy	1	3
II.	Assessment and Treatment in Marriage and Family Therapy	4	12
III.	Human Development and Family Studies	2	6
Total Required for Areas I, II, and III		9	27
IV.	Ethics and Professional Studies	1	3
V.	Research	1	3
VI.	Supervised Clinical Practice (500 hours required)	12 semester hours	12 successive months
VII.	Additional Courses	1	3
Total for Areas I--VII		15	60

The marriage and family therapy core curriculum will be based upon a systems/interactional understanding of peoples’ lives.

A total of nine (9) courses (twenty-seven [27] semester or equivalent quarter hours) are to be obtained from Areas I, II, and III (see description of each Area below). A program may exercise discretion regarding which of the three (3) areas it increases beyond the minimum to arrive at the twenty-seven [27] hour total.

A minimum of sixty (60) semester hours will be taken in the marriage and family therapy curriculum.

Area I: Theoretical Foundations of Marriage and Family Therapy

A minimum of one (1) course (three [3] semester or equivalent quarter hours) will be taken in Area I.

In Area I, students conceptualize and distinguish the critical epistemological issues in marriage and family therapy.

Students learn about the historical development, theoretical foundations, and contemporary conceptual directions of the field of marriage and family therapy.

Course content should not be isolated conceptually from clinical concerns, nor is it adequate for students to deal only with practical treatment issues without reference to theoretical literature.

Area II: Assessment and Treatment in Marriage and Family Therapy

A minimum of four (4) courses (twelve [12] semester or equivalent quarter hours) will be taken in Area II.

Area II courses will provide students with a comprehensive survey and substantive understanding of the major models of marriage and family therapy.

Courses taught in Area II will address the applied aspects of marriage and family therapy practice.

Courses taught in Area II will focus on two (2) major interdependent components: diagnosis/assessment and treatment processes. Within the context of marital and family systems, students will learn to diagnose and treat both dysfunctional relationship patterns and nervous and mental disorders, whether cognitive, affective, or behavioral. Major marriage and family therapy assessment methods and instruments will be covered. Marriage and family therapy faculty will teach students to use appropriate major mental health assessment instruments within a systemic context.

Courses taught in Area II will educate students about a wide variety of presenting problems including, but not limited to, incest, intense stress, problems of life cycle transitions, sexual dysfunctions, substance abuse, suicide, and violence.

Area III: Human Development and Family Studies

A minimum of two (2) courses (six [6] semester or equivalent quarter hours) will be taken in Area III.

In Area III, students learn about the developmental processes in the family.

Courses taught in Area III will emphasize the interface between the interpersonal and the intra personal.

In Area III, students learn about the patterns and dynamics of family life.

Courses taught in Area III will enable the student to become conversant with the life cycle of the family and the process and modification of family structures over time (e.g., birth of the first child, adolescent sexual development, leaving home, etc.).

Programs will expose all students to issues of gender as they relate to marriage and family therapy theory and practice. Course content in this area will include sex discrimination and gender role stereotyping.

Programs will expose all students to issues of ethnicity, race, socioeconomic status and culture as they relate to marriage and family therapy and practice. Course content will include social, educational, economic, and behavioral factors.

Programs will expose all students to issues of sexuality as they relate to marriage and family therapy theory and practice. Course content will include sexual orientation and sexual functioning.

Programs located in regions that are heavily populated with specific ethnic minority groups will include content specifically relevant to these groups.

Area IV: Ethics and Professional Studies

A minimum of one (1) course (three [3] semester or equivalent quarter hours) will be taken in Area IV.

Area IV contributes to the development of a professional attitude and identity. Studies will include professional socialization and the role of professional organizations, licensure and certification, legal responsibilities and liabilities of clinical practice and research, family law, confidentiality issues, the *AAMFT Code of Ethics*, and interprofessional cooperation.

The content of course work will be specific to the practice and profession of marriage and family therapy. A generic course in ethics is inappropriate for Area IV.

Area V: Research

A minimum of one (1) course (three [3] semester or equivalent quarter hours) will be taken in Area V.

In Area V, students gain an understanding of research methodology and data analysis, and learn to evaluate research in marriage and family therapy.

Emphasis will be placed on research in marriage and family therapy.

Course content will include both quantitative and qualitative research.

Area VI: Supervised Clinical Practice

Students are required to spend a minimum of five hundred (500) face-to-face hours with clients. Programs will document a student's satisfactory completion of the five hundred (500) hour requirement before awarding a degree.

Although students may treat individual clients, at least 250 hours (fifty percent [50%] of the 500 direct client contact hours) must be completed with couples or families physically present in the therapy room.

Enrollment in supervised clinical practice (Area VI) is required for clinical practice for a minimum of twelve (12) semester hours.

Preparation for clinical practice includes any necessary remediation for previous clinical deficiencies.

Clinical training will integrate didactic with clinical material. A practicum is a part-time clinical experience completed concurrently with didactic coursework. A practicum typically results in 5--10 direct client hours per week. It also includes such activities as supervision, staff meetings, community relations, and record keeping.

Direct client contact is defined as face-to-face (therapist and client) therapeutic meetings. Activities such as brief telephone contact, case planning, observation of therapy, record keeping, travel, administrative activities, consultation with community members or professionals, or supervision, are *not* considered direct client contact.

Assessments may be counted as direct client contact if they are face-to-face processes that are more than clerical in nature and focus.

Both individual or dyadic and group supervision of the student's clinical practice are required.

Individual or dyadic supervision will occur at least once (1) per week over a period of one (1) or more years.

A minimum of one hundred (100) hours of supervision is required in the supervised clinical practica.

A minimum twelve (12) successive months of supervised clinical practice is required.

Area VII: Additional Courses

A minimum of one (1) course (three [3] semester or equivalent quarter hours) will be taken in Area VII.

Additional courses offered will augment students' specialized interest and background in marriage and family therapy. Additional courses may be chosen from coursework offered in a variety of disciplines.