**Research Report to Association for Marriage and Family Therapy Regulatory Boards**

**Annual Delegate Meeting – 9/22/20**

*Licensure Board Disciplinary Data Study*

***Purpose:*** To determine most common ethical violations receiving sanctions from state licensure boards over a ten-year period for licensed marriage and family therapists.

***Methodology:*** Data were collected from the state licensure board websites of 36 states focusing on the years 2008-2018. Data sources included consent agreements, final orders, or other legal documentation of disciplinary actions publicly posted (91.5%), posted summaries of violations and sanctions (7.5%), and open records request summaries (1%). These documents yielded a total of 1,241 cases entailing 2609 violations and 4700 sanctions. Of these cases, 889 (71.6%) occurred in California and 352 occurred in the balance of the states. For most cases, there were more than one violation listed and multiple sanctions imposed.

***Results:***

*Demographics for Sanctioned Marriage and Family Therapists*

|  |  |  |
| --- | --- | --- |
| *Characteristics* | *N= 1,241* | *%* |
| Gender |  |  |
| Female | 787 | 63.4 |
| Male | 454 | 36.6 |
| License Type |  |  |
| LMFT | 831 | 67 |
| Provisional MFT | 368 | 29.7 |
| Applicant or unlicensed | 40 | 3.2 |
| Temporary | 2 | .2 |
| Number of Years Practiced |  |  |
| 0-1 | 148 | 11.9 |
| 2-5 | 338 | 27.2 |
| 6-10 | 209 | 16.8 |
| 11-20 | 186 | 15 |
| 21-30 | 122 | 9.8 |
| 31-40 | 69 | 5.6 |
| 41-50 | 10 | .8 |
| 51-60 | 3 | .2 |
| Unknown or missing | 156 | 12.6 |

*Five Most Common Violations and Most Common Sanctions for States (not including CA)*

|  |  |  |  |
| --- | --- | --- | --- |
| *Case (N = 352)* | *Sanction 1* | *Sanction 2* | *Sanction 3* |
| Non-sexual dual relations (N=48) | CEUs  (N=16) | Probation \*\*  (N=13) | Voluntary relinquishment  (N=11) |
| Failure to meet CEU requirements (N=45) | Fine\*\*  N=40 | CEUs\*\*  N=37 | Pay administrative costs  N=5 |
| Sexual Dual Relationships (N=44) | Voluntary relinquishment\*\*  N=14 | License revoked  N=12\*\* | Pay court costs  N=11 |
| Unlicensed practice or practicing w/an expired licensed (N=38) | Fine\*\*  N=17 | Reprimand, Letter of Admonition\*\*  N=12 | Cease and Desist  N=6 |
| Misrepresentation on licensing application or renewal (N=29) | CEUs  N=9  Fine  N=9 | Voluntary relinquishment  N=5  Reprimand/Letter of Admonition  N=5  Pay Administrative Costs  N=5  Supervision  N=5 | Application denied\*\*  N=4 |

\*\* indicates statistical significance

*Five Most Common Violations and Most Common Sanctions for CA*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cases (N = 889) | Sanction 1 | Sanction 2 | Sanction 3 | Sanction 4 & 5 |
| Criminal charge - misdemeanor (N =322) | Stayed revocation\*\*  N=285 | Pay court costs\*\*  N=241 | Present consent order to employer, clients and/or referral source\*\*  N=191 | Restricted from providing supervision\*\*  N=189  Probation\*\*  N=187 |
| Impairment – Substance Use (N=281) | Stayed revocation\*\*  N=247 | Pay court costs  N=217\*\* | Present consent order to employer, clients and/or referral source  N=168\*\* | Restricted from providing supervision\*\*  N=167  Probation\*\*  N=165 |
| Unprofessional Conduct (N=261) | Stayed revocation\*\*  N=245 | Pay court costs\*\*  N=230 | Present consent order to employer, clients and/or referral source\*\*  N=131 | Probation\*\*  N=130  Restricted from providing supervision\*\*  N=129 |
| Misrepresentation on licensure application or renewal (N= 209) | Fine\*\*  N=176 | CEUs\*\*  N=139 | Statement of Compliance\*\*  N=93 | Stayed revocation\*\*  N=26 |
| Failure to meet CEU requirements (N = 181) | Fine\*\*  N=177 | CEUs\*\*  N=139 | Statement of Compliance\*\*  N=92 |  |

*States and Number of Cases*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| State | Cases | State | Cases | State | Cases |
| Alabama | 7 | Kansas | 20 | Ohio | 2 |
| Alaska | 2 | Kentucky | 8 | Oklahoma | 5 |
| Arizona | 18 | Louisiana | 6 | Oregon | 20 |
| California | 889 | Maine | 2 | Pennsylvania | 13 |
| Colorado | 32 | Michigan | 2 | South Carolina | 3 |
| Connecticut | 6 | Minnesota | 46 | Tennessee | 30 |
| Delaware | 1 | Mississippi | 4 | Texas | 30 |
| Hawaii | 1 | Missouri | 6 | Utah | 7 |
| Idaho | 22 | Nevada | 14 | Virginia | 10 |
| Illinois | 3 | New Jersey | 2 | Wisconsin | 8 |
| Indiana | 12 | New York | 2 | Wyoming | 3 |
| Iowa | 3 | North Dakota | 2 |  |  |

*Gender and Violations*

Males in CA were more likely to be charged with committed or arrested for a misdemeanor (38%), unprofessional conduct (37%), and impairment – substance use (33%). Females in California, were more likely to be charged with committed or arrested for a misdemeanor (35%), impairment – substance use (31%), and misrepresentation on licensure (27%). For the rest of the states included in this study, males were more likely to be charged with sexual dual relationship, sexual misconduct, or sexually inappropriate behaviors (20%), failure to meet CEU requirements (13%), and non-sexual dual relationships (11%). Females were more likely to be charged with unlicensed practice or practicing with an expired license (16%), failure to meet CEU requirements (12%), and non-sexual dual relationship (12%).

***Limitations:*** Data from 36 jurisdictions out of 51. Although efforts were made to control for consistency of data, due to variations among states in terminology and in how it was presented, researcher interpretation could still be a factor (Rollins & Grames, 2020).

*Survey Study*

***Purpose:*** To determine the risk factors and likelihood of incurring a licensure complaint for marriage and family therapists

***Methodology***: Licensed Marriage and Family Therapists were recruited via an email campaign in which authors emailed participants inviting them to complete a confidential research survey about their license experiences. Purchased lists and solicitation through professional organizations resulted in a pool of approximately 8,585. Participants were asked to click a hyperlink to a Qualtrics online survey, indicate informed consent, and complete survey. There were 508 responses returned, giving a response rate of approximately 5.9%.

***Participants***: Included 405 MFTs. Majority were female (273; 67.4%), Caucasian (342; 84.4%), heterosexual (368; 90.9%), married or partnered (296; 73%) and Licensed Marriage and Family Therapists (360; 88.9%). Age ranged from 26 to 83 (*M* = 50.46; *SD* = 10.15). Most reported working in either a solo private practice (186; 45.9%) or a group private practice (103; 25.4%). Most participants reported holding only one mental health license, along with 104 (25.7%) who reported holding two mental licenses (e.g., LMFT and LPC). Over half (260; 64.5%) of the sample indicated they were licensed provisionally before attaining full licensure.

***Results:*** Of the 405 marriage and family therapists responding to the survey, 44 (9.2%) reported receiving a complaint against their license.

*Type of Complaints and Outcomes*

* Most commonly reported complaint filed was due to unprofessional conduct (31.8%), followed by incompetence (13.6%) and breach of confidentiality (13.6%).
* Complaints were most likely to be filed by clients (61.4%) diagnosed with Borderline Personality Disorder (18.2%)
* 38.6% dismissed following investigation
* 34.1% of complaints were dismissed without investigation
* 9.1% pending
* 6.8% consent agreement
* 4.5% moved to hearing
* 4.5% not disclosed
* 2.3% dismissed with warning

*Extenuating Circumstances*

* 13.6% of licensees reported experiencing extenuating circumstances (e.g., relationship difficulties, illness) during the time the complaint was lodged against them.
* 65.9% indicated there were no extenuating circumstances.
* 20.5% did not respond

*Complainant*

* 61.4% of complaints filed by client; 13.6% filed by another mental health professional; 11.4% filed by a relative of client; 4.5% filed by the client’s attorney; 2.3% filed by employer; 2.3% filed by former client; and 1.8% filed by the Dept. of Justice
* 18.2% of clients involved had diagnosis of borderline personality disorder
* 27.8% of clients were participating in individual therapy; 20.5% in family therapy; 13.6% in couples therapy; 4.5% in group therapy; and 2.3% in a forensic evaluation

*Demographic and Practice Characteristics*

* Ages ranged from 30 to 73 with a mean age of 55.52 (*SD* = 11.71).
* 56.8% were female and 40.9% were male.
* Majority were Caucasian (39; 88.6%) heterosexual (38; 86.3%), and married or partnered (68.2%)
* Number of years licensed ranged from two to 37 with an average of 18.50 (*SD* = 10.31)
* 54.5% held only one license, followed by 36.4% who held a second license, and 9.1% who held three licenses
* 50% worked in a solo private practice, followed by 31.8% in a group private practice, 4.5% in a university setting, 4.5% in a hospital setting, and the remaining in various other practice settings.

*Compared with Those Not Reporting Complaints*

* Therapists who received a complaint had practiced approximately five years longer (*M*=18.5 vs. 13.82 yrs) and were approximately six years older (*M* = 55.52 yrs vs. 49.83 yrs) than therapists who did not receive a complaint

***Limitations:*** Small and very homogeneous sample in terms of age, ethnicity, partner status, and practice setting. Care should be taken when generalizing. *(*Holden, Rollins, & Grames, 2020*)*