



## STATE OF WISCONSIN

Department of Safety and Professional Services

1400 E Washington Ave.

Madison WI 53703

**Governor Scott Walker**

**Secretary Dave Ross**

Mail to:  
PO Box 8935  
Madison WI 53708-8935

Email: [dspd@wisconsin.gov](mailto:dspd@wisconsin.gov)  
Web: <http://dspd.wi.gov>

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

**PROFESSIONAL COUNSELOR SECTION,**  
**OF THE**  
**MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING**  
**AND SOCIAL WORK EXAMINING BOARD**  
**Contact: Dan Williams (608) 266-2112**  
**Room 121A, 1400 E. Washington Avenue, Madison**  
**AUGUST 14, 2013**

*Notice: The following agenda describes the issues that the Section plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Section.*

**9:00 A.M.**

**OPEN SESSION - CALL TO ORDER – ROLL CALL**

- A. **Approval of Agenda(1-4)**
- B. **Approval of Meeting Minutes of May 22, 2013(5-6)**
- C. **Administrative Matters – Discussion and Consideration**
  - 1) Paperless Update
  - 2) Staff Update
- D. **Legislation/Administrative Rule Matters Update – Discussion and Consideration**
  - 1) Clearinghouse 13-009(7-8)
  - 2) **Scope Statement**
  - 3) **MPSW 10-14**
- E. **Informational Items – Discussion and Consideration**
  - 1) **MPSW 1.11 – Discussion and Consideration(9-10)**
    - i. **Stout Letter(11-12)**
    - ii. **Stout Reponse Letter(13-14)**
    - iii. **May Eckerle-Aspiro Letter(15-16)**
    - iv. **June Eckerle-Aspiro Letter(17-18)**
- F. **Position Statements – Discussion and Consideration(19-22)**

- G. Items Received **After Preparation** of the Agenda:
- 1) Introductions, Announcements and Recognition
  - 2) Presentations of Petition(s) for Summary Suspension
  - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
  - 4) Presentation of Proposed Final Decision and Order(s)
  - 5) Informational Item(s)
  - 6) Division of Legal Services and Compliance (DLSC) Matters
  - 7) Education and Examination Matters
  - 8) Credentialing Matters
  - 9) Approvals for Psychometric Testing
  - 10) Class 1 Hearings
  - 11) Practice Questions/Issues
  - 12) Legislation/Administrative Rule Matters
  - 13) Liaison Report(s)
  - 14) Speaking Engagement(s), Travel, or Public Relation Request(s)

H. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)**

I. **Deliberation of Proposed Final Decision and Orders**

- 1) Cynthia A. Midcalf, (12 CPC 086) **(23-30)**
- 2) Melissa Pannell (12 CPC 079) **(31-38)**

J. Monitoring Matters

K. Review of Applications

L. Division of Legal Services and Compliance

- 1) Case Status Report
- 2) Case Closings

M. Consulting with Legal Counsel

N. Deliberation of Items Received **After Preparation** of the Agenda:

- 1) Deliberation on Class 1 Hearings
- 2) Application Issues and/or Reviews
- 3) Professional Assistance Procedure (PAP)
- 4) Monitoring Matters
- 5) Proposed Stipulations, Final Decisions and Orders
- 6) Administrative Warnings
- 7) Review of Administrative Warning
- 8) Orders Fixing Costs/Matters Related to Costs
- 9) Proposed Final Decisions and Orders
- 10) Petitions for Summary Suspension
- 11) Petitions for Re-hearings
- 12) Education and Examination Matters
- 13) Credential Issues
- 14) Supervisor Approvals
- 15) Appearances from Requests Received or Renewed
- 16) Motions

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**Voting on Items Considered or Deliberated on in Closed Session, if Voting is Appropriate**

**ADJOURNMENT**

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**PROFESSIONAL COUNSELORS SECTION  
MEETING MINUTES  
MAY 22, 2013**

**PRESENT:** Charles Lindsey, Leslie Mirkin, Allison Gordon

**ABSENT:** Nancy Clark

**STAFF:** Angela Hellenbrand, Executive Director; Sharon Henes, Paralegal; Kimberly Wood, Program Assistant Supervisor; and other Department Staff

**CALL TO ORDER**

Charles Lindsey, Chair, called the meeting to order at 9:05 a.m. A quorum of three (3) members was present.

**APPROVAL OF AGENDA**

- Page 1 of the Agenda: Change the meeting room number from 121A to 121C

**MOTION:** Leslie Mirkin moved, seconded by Allison Gordon, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MEETING MINUTES OF APRIL 8, 2013**

**MOTION:** Allison Gordon moved, seconded by Leslie Mirkin, to approve the minutes of April 8, 2013 as published. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Leslie Mirkin moved, seconded by Allison Gordon, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Charles Lindsey read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Allison Gordon-yes; Charles Lindsey-yes; and Leslie Mirkin-yes. Motion carried unanimously.

The Section convened into Closed Session at 9:07 a.m.

**DELIBERATION OF PROPOSED STIPULATIONS,  
FINAL DECISIONS AND ORDERS**

**Ann Thompson (13 CPC 002)**

**MOTION:** Allison Gordon moved, seconded by Leslie Mirkin, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Ann Thompson, Respondent, DLSC Case # 13 CPC 002. Motion carried unanimously.

**DIVISION OF LEGAL SERVICES AND COMPLIANCE**

**Case Closings**

**MOTION:** Charles Lindsey moved, seconded by Allison Gordon, to close case number 12 CPC 080 for Insufficient Evidence (IE). Motion carried.

*(Leslie Mirkin recused himself from discussion and voting in the deliberation regarding the closing of case number 12 CPC 080.)*

**RECONVENE TO OPEN SESSION**

**MOTION:** Allison Gordon moved, seconded by Leslie Mirkin, to reconvene into open session. Motion carried unanimously.

The Section reconvened into Open Session at 12:07 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION,  
IF VOTING IS APPROPRIATE**

**MOTION:** Allison Gordon moved, seconded by Charles Lindsey, to affirm all motions made in closed session. Motion carried.

*(Leslie Mirkin recused himself from voting on the reaffirmation of closed session motions due to his recusal in the matter concerning case number 12 CPC 080.)*

**ADJOURNMENT**

**MOTION:** Leslie Mirkin moved, seconded by Allison Gordon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:22 p.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dan Williams</b>		2) Date When Request Submitted: <b>8/1/13</b> Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>MPSW Joint Board - Professional Counselor Section</b>			
4) Meeting Date:  <b>8/14/13</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  Clearinghouse 13-009 / Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <p style="text-align: center;"><b>MOTION:</b> Alice Hanson-Drew moved, seconded by Linda Pellmann, to support the Professional Counselors Section in its revision of Clearinghouse 13-009 regarding increasing the required number of credits up to 60 hours. Motion carried unanimously.</p>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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10) Describe the issue and action that should be addressed:  <b>Motion from February:</b>  <p style="margin-left: 40px;"><b>MOTION:</b> Allison Gordon moved, seconded by Leslie Mirkin, to request DSPS staff craft a letter for Section signature to respond to the letter of inquiry from UW-Stout and that the letter will be placed upon the Section's next meeting agenda for review by the Section members. Motion carried unanimously.</p>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
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Web: <http://dsps.wi.gov>  
Phone: 608-266-2112

June 5, 2013

Bob Peters, Associate Dean  
UW-Stout College of Education, Health and Human Services  
218 Heritage Hall  
Menomonie, WI 54751

**RE: Request for Exemption for Vocational Evaluators from MPSW 1.11**

Mr. Peters:

This correspondence follows and is in reference to your communication addressed to Charles V. Lindsey, Chairperson of the Professional Counselor Section (Section) of the Joint Board of Marriage and Family Therapy, Professional Counseling & Social Work (Board) regarding the applicability of Wis. Admin. Code s. MPSW 1.11 to Vocational Rehabilitation professionals. Specifically, you write to request that the Section exempt “degreed Vocational Rehabilitation professionals who conduct vocational evaluations” from an impending rule/mandate/dictate of the Wisconsin Division of Vocational Rehabilitation (DVR) requiring said professionals to comply with MPSW 1.11 related to psychometric testing.

The board has reviewed and considered this matter. It is not clear from your communication whether the individuals referred to in your correspondence as “Vocational Evaluators” or “Rehabilitation Counselors” are individuals licensed by the Board. To that end, it is important to note that neither the Section nor the Board has jurisdiction over professionals not licensed by the MPSW. Nor does the Section or the Board have jurisdiction over the Wisconsin Division of Vocational Rehabilitation (DVR). Accordingly, neither the Section nor the Board would have the authority or jurisdiction to either grant or deny your request.

If, however, the “Vocational Evaluators” and “Rehabilitation Counselors” referenced in your correspondence are indeed individuals licensed by the MPSW board and are acting within the scope of such license in the performance of their employment duties, they are required to comply with all rules and regulations of the Board as they presently exist, which would include compliance with MPSW 1.11 in the performance of psychometric testing – if that is in fact what they are doing. A determination of whether the type of work described in your correspondence as being performed by vocational evaluators and rehabilitation counselors constitutes psychometric testing as defined in the MPSW code for its licensees is a legal one for which you will need to consult your own legal counsel.

Lastly, please note that as a practical matter, an administrative rule change would have to be effectuated in order to exempt any licensee (or class of licensees) from the current requirements of MPSW 1.11. For the rules promulgation process, please refer to Subchapter II of Wis. Stats. ch. 227 and/or consult your attorney.

Sincerely,

Dan Williams, Executive Director  
on behalf of Professional Counseling Section,  
Joint Board of Marriage & Family Therapy, Professional Counseling and Social Work.

cc: Mr. Charles Lindsey (via Email)

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To: Dan Williams  
Executive Director  
Division of Policy Development  
WI Department of Safety & Professional Services  
(608)267-7223  
[dan1.williams@wisconsin.gov](mailto:dan1.williams@wisconsin.gov)

Charles V. Lindsey, Chair  
DSPS Professional Counseling Board

For your consideration: It has recently come to our attention that the Wisconsin Division of Vocational Rehabilitation (DVR) will soon require Vocational Evaluators to comply with MPSW 1.11 which defines the authority, use and requirements for performing Psychometric testing. The definition of Psychometric test includes “a procedure for measuring psychological, behavioral or interpersonal characteristics in which a sample of an examinee’s behavior is obtained and subsequently evaluated and scored using a standardized process” (Chapter MPSW 1, p.3), Authority and Practice regarding LPC. The purpose of this memo is to request that degreed Vocational Rehabilitation professionals who conduct vocational evaluations be exempted from this requirement.

Vocational Evaluators in general, provide evaluation/assessment of vocational or occupational potential of clientele referred by DVR. These evaluators often use standardized tools such as Interest Inventories, Aptitude tests, assessments of Temperament, etc. to assist the client and the Rehabilitation Counselor to better understand vocational/occupational potential. Evaluators commonly provide recommendations for various types of occupations, training needs while on the job, job accommodations, etc. Vocational Evaluators commonly work for Not-For-Profit organizations, small businesses or state or federal agencies, and the imposition of MPSW 1.11 may force many to lose jobs or go out of business.

We are requesting that Vocational Evaluators be exempt from the requirements of MPSW 1.11 because the nature of the work does not include using the Diagnostic Statistical Manual (DSM) for diagnostic or treatment purposes. Vocational Evaluators provide vocationally related services versus the more diagnostic and treatment related evaluations described in MPSW 1.11 and the Professional Counselor Post-Graduate Supervisor Approval Form #2456, Ch. 457, Stats. While Vocational Evaluators use tools that are somewhat similar and use terms that may fit within the definition of MPSW 1.11, the services provided are distinctly different and fit into categories that are truly outside of what I believe to be the intent of MPSW 1.11.

I would be happy to meet with the Board if desired, to help explain our position and what we feel are distinct differences between the diagnostic and treatment orientation of MPSW 1.11 and the vocational service orientation provided by Vocational Evaluators.

Sincerely,

Bob

Bob Peters, PhD., CRC , LPC

Associate Dean

UW-Stout

College of Education, Health and Human Sciences

218 Heritage Hall

715.232.1983

[petersb@uwstout.edu](mailto:petersb@uwstout.edu)



May 29, 2013

Dan Williams  
Executive Director at Division of Policy Development  
Wisconsin Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

Dear Mr. Williams:

The purpose of this letter is to present a case for reconsideration of your interpretation of MPSW 1.11 as it pertains to professional vocational evaluators. I have copied MPSW 1.11 (1) and (2) below with some parts underlined for later reference:

**MPSW 1.11 Psychometric testing.**

(1) AUTHORITY. This rule is adopted pursuant to ss. 15.08 (5) (b), 227.11 (2) and 457.033, Stats.

(2) DEFINITION. In this section, the term "psychometric test" means a procedure for measuring psychological, behavioral or interpersonal characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. A person credentialed by the board may not use a testing instrument for diagnostic or assessment purposes unless he or she satisfies the requirements in sub. (5). Psychometric testing does not include a test instrument used solely to screen for problems, to assist in treatment planning, to clarify treatment goals, to plan for interventions, to monitor progress in treatment or an unstandardized questionnaire, unstructured behavior sample or a test used to evaluate performance in education or training or training prepared by a teacher or trainer.

The MPSW regulations are in place to ensure that a Marriage & Family Therapy, Professional Counseling Social Worker (MPSW) is not using psychometric tests to perform Neuropsychological Evaluations or Psychological Evaluations without supervision or equivalent training of a License Psychologist. Examples of this type of testing are APA level C tests such as the WAIS-4 or MMPI-2.

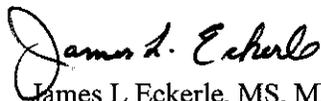
The testing done by a Masters degreed vocational evaluator fits in the underlined section of the regulations listed above. In other words, vocational evaluators administer psychometric tests which are not included as part of the MPSW 1.11 (2) definition of testing requiring a license. Vocational evaluators administer APA level A and B psychometric tests which are used to determine what type of employment situation would be the best match for consumer or to determine if a particular training program would assist the consumer in meeting their goals. Specific categories of testing for this purpose include interest tests, achievement or ability tests, aptitude tests, and personality or values tests.

The underlined category (APA level A and B tests) is sold by test suppliers in accordance with the Standards for Educational and Psychological Testing. The requirements are competency-based with eligibility determined on the basis of training, education, and experience. The test purchaser is required to register and complete a qualification form. A vocational evaluator with a graduate degree who has completed graduate level course work in psychological testing and measurement is eligible to purchase, use, and interpret all APA level A and B tests. Please note that these tests are not the restricted tests listed in the definition which are used for "diagnostic" purposes.

*"Serving people with disabilities and their families since 1957"*

The broad interpretation of MPSW 1.11 would eliminate anyone graduating with a Masters degree in vocational evaluation, a Certified Vocational Evaluator (CVE) or PVE, or pretty much anyone in Wisconsin currently doing vocational evaluations from continuing to provide this service. This would leave only Marriage and Family Therapy Social Workers meeting your MPSW 1.11 interpretation as qualified to do vocational evaluations; something they have absolutely no background in and no interest in doing. Please reconsider your interpretation of MPSW 1.11. A careful reading of this definition makes it clear that the testing done by vocational evaluators fits in with the section that I underlined, which would make it exempt from licensing requirements.

I have provided quality (exemplary rating from last CARF survey) vocational evaluation services to DVR for over 30 years and would like to be able to continue to do so.



James L Eckerle, MS, MBA, PVE  
Vocational Evaluator

June 7, 2013

James L. Eckerle  
1078 Hoks Ridge Lane  
De Pere, WI 54115

Mr. Dan Williams,  
Executive Director  
DSPS  
P.O. Box 8935  
Madison, WI 53708-8935

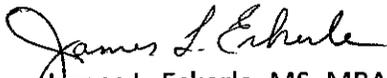
Dear Mr. Williams,

You recently (May 29<sup>th</sup>) received a letter from me building a case against the broad or strict interpretation of MPSW 1.11 as it relates to vocational evaluation. There are a couple of additional points I would like to make regarding this interpretation as it pertains to DVR vocational evaluation services.

1. Actually, there are a lot of individuals in a variety of settings using psychometric tests, all without a Wisconsin license as required by DSPS and DVR's broad interpretation of MPSW 1.11. APA level A and B tests are administered by human resource staff, special education teachers, speech pathologists, educational specialists, occupational therapists, consultants, industrial specialists, trainers, and some instructors, to name a few. NFL scouts even use the Wonderlic Test as part of the yearly scouting combine.
2. I have recently developed my own test and am in the process of gathering normative data. The test is called the Job Seeking Skills Test and it is designed to assess the level of support a DVR consumer will need through the job development process. The new broad interpretation of MPSW 1.11 would restrict me from using my own test with a DVR consumer.
3. A careful reading of MPSW 1.11 (4) indicates that none of the various types of license holders available through MPSW would actually be able to use psychometric testing with the DSPS and DVR's strict interpretation of MPSW 1.11, unless they are a psychologist licensed under Chapter 455 (MPSW 1.11 (4) (a) or acting under the supervision of a licensed psychologist (MPSW 1.11 (4) (b), (c), or (d). Restricting all types of tests to a licensed psychologist has never been the intention of test developers, test publishers, or the APA.
4. The interpretation of MPSW 1.11 that I documented in my earlier letter would require strict adherence to the Standards for Educational and Psychological Testing for DVR consumers participating in vocational evaluation services. The Standards for Educational and Psychological testing were developed by the APA, American Educational Research Association (AERA) and the National Council on Measurement in Education (NCME). APA level A tests require no special qualifications. APA level B tests require a degree from an accredited four-year college or university in psychology or a

closely related field plus satisfactory completion of coursework in test interpretation, psychometrics and measurement theory, educational statistics, or a closely related area. Vocational evaluators with Masters Degrees have satisfied all of those requirements at the graduate level, have had supervised practicums in psychometric testing, and have completed internships in vocational evaluation.

Please consider the impact that the new broad interpretation of MPSW 1.11 would have on DVR consumers in receiving quality vocational evaluation services. I am encouraging removal of the MPSW 1.11 requirement and replacing it with the Standards for Educational and Psychological Testing guidelines. DVR's Technical Specifications for Vocational Evaluation Services would remain the same as (1) the primary provider of the Standards for the Educational and Psychological Testing is the APA and (2) the interpretation of MPSW 1.11 that I documented in my letter would not require a state license for vocational testing.



James L. Eckerle, MS, MBA, PVE  
Vocational Evaluator

**State of Wisconsin  
Department of Safety & Professional Services**

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4) Meeting Date:  <b>8/14/13</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Position Statements – discussion and consideration</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:  <b>In 2013 the Section will review the Position Statements currently on the DSPS website (PC page) to determine whether they should remain, be revised, or pulled entirely. These statements were transferred over from the old website in November-2012.</b>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
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## **HOW DOES SOMEONE BECOME A PROFESSIONAL COUNSELOR?**

Completing a Master's or Doctoral degree in professional counseling or equivalent program at a college or university is only one step toward licensure. To obtain the Licensed Professional Counselor (LPC) status in Wisconsin, you will need to obtain 3000 hours of post-master's supervised work experience or, if you have a doctorate in professional counseling, 1000 hours during or after completion of the doctoral program. Please note: supervised hours can only be accrued while the applicant holds a training license issued by the Section.

You must also pass the National Board of Certified Counselors examination (the NCE) or the examination administered by the Commission on Rehabilitation Counselor Certification (the CRCE). Sees. 457.12 Wis. Stats for more information.

For information regarding Provider Status (necessary in order to bill insurance companies for your service with clients) you will need contact the Department of Health Services. (<http://dhs.wisconsin.gov/>)

## **WHAT REPORTING OBLIGATIONS DO I HAVE?**

1. If you have reasonable cause to suspect that a child you have seen in the course of your professional duties has been abused or neglected, you have an obligation to report it. (See section 48.981 of the Statutes for details.)
2. If you have reasonable cause to suspect that a client you have seen in the course of your professional duties is a victim of sexual contact by a therapist, you must ask the client if s/he wants you to report it. (See section 940.22 of the Statutes for details.)
3. Any organization or individual that employs a social worker, marriage and family therapist, or professional counselor must report to the examining board any adverse or disciplinary action that terminates, suspends or restricts the credential-holder's employment. Per s. MPSW 20.02(19) Wis. Admin code any violation of s. 457, Stat. is considered unprofessional conduct. Reporting requirements of supervisors and agencies are outlined in s. 457.25, Stat.
4. While you are not obligated to report unprofessional conduct by another person, you are encouraged to report it by a grant of civil immunity: "any person who in good faith provides the department or any examining board ... with advice or information on a matter relating to the regulation of a person holding a credential is immune from civil liability". (See section 440.042(f) of the Statutes for details.)

## **I AM LEAVING AN EMPLOYER TO START A PRIVATE PRACTICE, WHAT ARE MY OBLIGATIONS TO INFORM MY CURRENT CLIENTS OF MY DEPARTURE?**

There is a rule that governs an LPC's practice with respect to notifying clients of a termination of services, Ch. MPSW 20.02(21), Admin Code. The duty is on the licensee, so the licensee should be sure to distinguish between his/her responsibilities and employer interest in a non-competitive arrangement. The licensee may want to utilize resources from their professional organization to see if there are guidelines or advice about reasonable steps to take in a similar situation. Lastly, an LPC may want to seek advice from a private attorney who may be able to discuss contractual liabilities that are not within the domain of the Department.

**WHAT OBLIGATIONS ARE THERE TO REPORT UNPROFESSIONAL CONDUCT BY ANOTHER MEMBER OF MY OWN PROFESSION?**

There is no ethics rule that requires you to report unprofessional conduct by another member of your profession. However, you should be aware of the following:

1. If you have reasonable cause to suspect that a child you have seen in the course of your professional duties has been abused or neglected, you have an obligation to report it. (See section [48.981](#) of the Statutes for details.)
2. If you have reasonable cause to suspect that a client you have seen in the course of your professional duties is a victim of sexual contact by a therapist, you must ask the client if s/he wants you to report it. (See section [940.22](#) of the Statutes for details.)
3. Any organization or individual that employs a social worker, marriage and family therapist, or professional counselor must report to the examining board any adverse or disciplinary action that terminates, suspends or restricts the credential-holder's employment. Per s. MPSW [20.02\(19\)](#), Wis. Admin code any violation of s. 457, Stat. is considered unprofessional conduct. Reporting requirements of supervisors and agencies are outlined in s. [457.25](#), Stat. See [White Paper- create from memo?] for more information on the duty to report.

**ARE FEES OR FEE DISPUTES FOR PSYCHOTHERAPY SERVICES REGULATED BY THE STATE OF WISCONSIN?**

No. Fees or fee disputes are not regulated by the Board.

**IS IT PERMISSIBLE TO ACCEPT GIFTS FROM CLIENTS?**

This depends on the type of gift, its monetary value, and any expectations by the client associated with the gift. If there is any perceived adverse risk to the client-therapist relationship, it is advisable not to accept the gift.

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