



PROFESSIONAL COUNSELOR SECTION

MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD

Room 121A, 1400 East Washington Avenue, Madison

Contact: Dan Williams (608) 266-2112

October 24, 2016

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 record of the actions of the Section. A quorum of the Marriage and Family Therapy, Professional Counseling and Social Work Joint Examining Board may be present.

AGENDA

9:00 A.M.

CALL TO ORDER – ROLL CALL – OPEN SESSION

- A. **Adoption of the Agenda (1-3)**
- B. **Approval of the Minutes of July 15, 2016 (4)**
- C. **Administrative Matters – Discussion and Consideration**
 - 1) Staff Updates
 - 2) Board Member – Term Expiration Date
 - a. Allison Gordon – 07/01/2018
 - b. Charles Lindsey – 07/01/ 2016
 - c. Kathleen Miller– 07/01/2017 (*appointed, not yet confirmed*)
 - d. Monica Vick – 07/01/2019 (*appointed, not yet confirmed*)
 - 3) Election of Officers **(5-6)**
 - 4) Appoint of Liaisons and Delegations of Authority **(5-10)**
 - a. Monitoring Liaison **(9-10)**
- D. **Legislation and Rule Matters – Discussion and Consideration (11-22)**
 - 1) Proposals for MPSW 1 Relating to Renewal and Reinstatement
 - 2) Scope for MPSW 14 Relating to Academic Programs
 - 3) Update on Pending and Possible Rulemaking Programs
 - a. Clearinghouse Rule 16-009 Relating to Professional Counseling Licensure
- E. **Speaking Engagement(s), Travel, or Public Relation Request(s) – Discussion and Consideration**
 - 1) Report from WCA Fall Summit

F. Discussion and Consideration of Items Received After Preparation of the Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Education and Examination Matters
- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislation and Administrative Rule Matters
- 7) Liaison Reports
- 8) Informational Items
- 9) Disciplinary Matters
- 10) Presentations of Petitions for Summary Suspension
- 11) Presentation of Proposed Stipulations, Final Decisions and Orders
- 12) Presentation of Proposed Decisions
- 13) Petitions for Re-Hearing
- 14) Petitions for Assessments
- 15) Petitions to Vacate Orders
- 16) Petitions for Designation of Hearing Examiner
- 17) Requests for Disciplinary Proceeding Presentations
- 18) Petitions
- 19) Appearances from Requests Received or Renewed
- 20) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.).

H. **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

- 1) Administrative Warnings(s)
 - a. 16 CPC 022 (L.N.R.) **(23-24)**
- 2) Proposed Stipulation(s), Final Decision(s), and Order(s)
 - a. 15 CPC 014 (G.L.J.) **(25-32)**
 - b. 15 CPC 022 (M.W.N.) **(33-39)**
 - c. 15 CPC 027 (J.S.M.) **(40-45)**
 - d. 16 CPC 015 (M.C.A.) **(46-54)**
- 3) Case Closing(s)

I. **Deliberation on Credentialing Matters**

- 1) Application Review

J. **Deliberation on Education Matters**

- 1) School Program Pre-approval Review **(55-63)**

K. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Division of Legal Services and Compliance (DLSC) Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions

- 7) Proposed Stipulations, Final Decisions and Order
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Petitions for Extension of Time
- 12) Proposed Interim Orders
- 13) Petitions for Assessments and Evaluations
- 14) Petitions to Vacate Orders
- 15) Remedial Education Cases
- 16) Motions
- 17) Petitions for Re-Hearing
- 18) Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

The next scheduled meeting is January 24, 2017.

**PROFESSIONAL COUNSELORS SECTION
VIRTUAL TELECONFERENCE MEETING MINUTES
JULY 15, 2016**

PRESENT: Allison Gordon; Charles Lindsey, John Reinemann (*via GoToMeeting*)

STAFF: Dan Williams – Executive Director, Nifty Lynn Dio – Bureau Assistant, Sharon Henes – Rules Coordinator, and other DSPS Staff

CALL TO ORDER

Allison Gordon called the meeting to order at 2:38 p.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

MOTION: Charles Lindsey moved, seconded by John Reinemann, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF THE MINUTES OF DECEMBER 21, 2015

MOTION: Charles Lindsey moved, seconded by John Reinemann, to approve the minutes of December 21, 2015 as published. Motion carried unanimously.

DELEGATION OF DISCIPLINARY AUTHORITY

MOTION: John Reinemann moved, seconded by Charles Lindsey, to delegate decision making authority to Michael Berndt, Chief Legal Counsel, in the matter of disciplinary proceedings against:

1. 15 CPC 006 (D.L.L.)
2. 15 CPC 018 (C.F.G.)
3. 15 CPC 019 (M.A.W.)
4. 15 CPC 023 (L.O.)
5. 15 CPC 032 (T.D.M.)
6. 15 CPC 036 (K.E.K.)
7. 15 CPC 043 (D.L.S.)
8. 16 CPC 002 (S.J.H.)
9. 16 CPC 003 (M.L.C.)
10. 16 CPC 008 (S.A.J.)

Motion carried unanimously.

ADJOURNMENT

MOTION: Charles Lindsey moved, seconded by John Reinemann, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:46 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant		2) Date When Request Submitted: 03/31/16	
		Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Professional Counselor Section			
4) Meeting Date: 04/18/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters – Discussion and Consideration Election of Officers Appointment of Liaisons and Delegation of Authority	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <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: The Section shall Elect Officers and have the Chair appoint Liaisons. The Section shall also delegate authority as necessary.			
11) Authorization			
<i>Nilajah D. Hardin</i>		03/31/16	
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 Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

April 2015

2015 ELECTION RESULTS	
Chair	Allison Gordon
Vice Chair	Charles Lindsey
Secretary	Leslie Mirkin

2015 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Leslie Mirkin , Allison Gordon , Charles Lindsey
DLSC Monitoring and Professional Assistance Procedure (PAP) Liaison(s)	Allison Gordon
Education and Examination Liaison	Charles Lindsey
Screening Panel	Allison Gordon (Alternative: Charles Lindsey)

Delegation of Authority

MOTION: Charles Lindsey moved, seconded by Leslie Mirkin, that the Section delegates authority to the Chair to sign documents on behalf of the Section. In order to carry out duties of the Section, the Chair has the ability to delegate this signature authority to the Section's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

MOTION: Leslie Mirkin moved, seconded by Charles Lindsey, in order to facilitate the completion of assignments between meetings, the Section delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Section, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Section in accordance with the law. Motion carried unanimously.

MOTION: Leslie Mirkin moved, seconded by Allison Gordon, that Section Counsel or another Department attorney is formally authorized to serve as the Section’s designee for purposes of Wis. Admin. Code SPS § 1.08(1). Motion carried unanimously.

MOTION: Leslie Mirkin moved, seconded by Allison Gordon, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Section or Section liaison review. Motion carried unanimously.

MOTION: Leslie Mirkin moved, seconded by Allison Gordon, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document. Motion carried unanimously.

MOTION: Charles Lindsey moved, seconded by Leslie Mirkin, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matter. Motion carried unanimously.

MOTION: Leslie Mirkin moved, seconded by Allison Gordon, to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

Section: LPC

Current Authority: All LPC-IT supervisors that aren't an LPC, Dr., Psychologist, LCSW or MFT have to go for review. They also must go for review if they do not have 5 years' experience.

Requested Authority: Can we keep a list of Board approved supervisors like we do with MFT? This would cut down on the amount of files being sent to the liaisons, because there are some supervisors who are being used for multiple applicants.

Section: LPC

Current Authority: All supervisors that do not have 5 years' experience must go to the Board for review.

Requested Authority: We currently count an LPC-IT license with an LPC for those 5 years, can we do the same with an APSW license for a LCSW supervisor? Can we also make it 2-3 years of experience instead of 5?

Sections: LPC/SW

Current Authority: We send all CIB to legal and then to liaisons.

Requested Authority: Can we have all people applying for LPC/CSW that were already CIB approved for their LPC-IT/SWTC be approved by the legal team if there has been no criminal history since they were last approved?

Section: LPC

Current Authority: We can pre-approve a list of schools/programs for LPC-ITs

Requested Authority: Can we approve a transcript that shows the same course numbers, same course titles, has the right number of credits taken as a pre-approved program, but the applicant graduated before the date the program was approved?

Section: LPC

Current Authority: Applicants have the option to send their unlicensed hours for review to the liaisons just to see if they will work, but we haven't seen any that have been approved yet.

Requested Authority: Can we tell applicants outright and firmly that they cannot send hours for review if they do not have an LPC-IT license?

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kelley Sankbeil Monitoring Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: January 9, 2016 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Professional Counselors Section			
4) Meeting Date: April 18, 2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Delegation of Authority to Monitoring Liaison and Department Monitor	
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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Delegated Authority Motion: <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i>			
11)  Authorization <div style="display: flex; justify-content: space-between;"> Signature of person making this request January 9, 2016 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			
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 Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
- 8. Grant or deny a request to appear before the Board/Section in closed session.**

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 12 October 2016 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Professional Counselor Section			
4) Meeting Date: 24 October 2016	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Proposals for MPSW 1 Relating to Renewal and Reinstatement 2. Scope for MPSW 14 Relating to Academic Programs 3. Update on Pending and Possible Rulemaking Projects a. Update on CR 16-009 Relating to licensure, education and supervised practice of professional counseling.	
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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>12 October 2016</i>	
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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2001 No. 552, eff. 1-1-02; CR 02-105: am. (1), (5) and (7), Register October 2002 No. 562, eff. 11-1-02.

MPSW 1.06 Examination review procedure for all sections of the board. An applicant who fails an examination may request a review of the examination, as permitted by the examination provider. If a review is permitted, the following conditions apply:

(1) The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed and pay the fee under s. SPS 4.05.

(2) Examination reviews are by appointment only, and shall be limited to the time permitted by the examination provider for part I of the examination and 1 hour for part II of the examination.

(3) Reviews shall be conducted prior to the application deadline date for the next examination for the particular certificate category.

(4) An applicant may review part I of the examination only once.

(5) Part II of the examination may be reviewed by telephone. During a telephone review an applicant shall be provided with the statute or administrative code reference number and the topic of the test questions the applicant failed.

(6) An applicant may not be accompanied during the review by any person other than the proctors.

(7) Bound reference books shall be permitted. Applicants may not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

MPSW 1.07 Claims of examination error. An applicant for any credential issued by the board who claims an error in the examination may file a written request for board review in the board office within 30 days of the date the examination was reviewed. The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes. Claims of examination error which are not filed within 30 days of an examination review shall be denied. The request shall include:

(1) The applicant's name and address.

(2) The type of credential applied for.

(3) A description of the perceived error, including specific questions or procedures claimed to be in error.

(4) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (intro.) and (2), Register October 2002 No. 562, eff. 11-1-02.

MPSW 1.08 Credential renewal procedures for all sections of the board. (1) Each person granted a credential under ch. 457, Stats., is certified or licensed for the current period only. To renew certification or licensure, a credential holder shall by July 1 of the odd-numbered year following initial certification or licensure and every 2 years thereafter file with the board an application for renewal on a form prescribed by the board, and submit the fee under s. 440.08 (2), Stats.

(2) A credential holder who fails to renew certification or licensure shall cease and desist from practice and from use of the professional title. Within 5 years following the renewal date, a credential holder may renew the expired credential without examination by filing the required renewal application, the renewal fee, and the late renewal fee under s. 440.08 (3), Stats. A credential holder who fails to renew certification or licensure within 5 years of the renewal date may be reinstated by complying

with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time application is made.

(3) An applicant for reinstatement of certification or licensure following disciplinary action shall meet requirements in sub. (1) and may be required to successfully complete an examination as the board prescribes. An applicant who applies for reinstatement more than 5 years after the date of the order imposing discipline against the applicant may be reinstated by complying with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time the application for reinstatement is made.

(4) The credential and certificate of biennial certification or licensure shall be displayed in a prominent place by each person while certified or licensed by the board.

(5) Every credential holder shall notify the department, in writing, of a change of name or address within 30 days of the change.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am., Register October 2002 No. 562, eff. 11-1-02.

MPSW 1.09 Alcohol and drug counseling. (1) USE OF TITLE AND SCOPE OF PRACTICE. (a) A person credentialed by the board may use the title "alcohol and drug counselor" or "chemical dependency counselor" only if he or she is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department.

(b) A person who is credentialed by the board may treat substance use disorder as a specialty if the person is credentialed under s. 440.88, Stats., or satisfies the educational and supervised training requirements established in this section.

(c) Pursuant to s. SPS 161.01 (3) (b), a person who is licensed by the board may provide substance use disorder counseling, treatment or prevention services within the scope of the person's license.

(d) Any credential holder may do all of the following:

1. Prepare a client for substance dependence treatment by referral.

2. Continue to work with a client until a referral for dependence treatment is completed.

3. Continue to work with the non-AODA issues of a person who had been referred for dependence treatment.

4. Continue to treat a client who is in recovery following treatment for substance dependence.

(2) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A MASTER'S DEGREE. To be authorized to treat substance use disorder as a specialty, a credential holder who has obtained a master's degree for a credential issued by this board shall meet all of the following:

(a) A minimum of 135 contact hours of substance use disorder education, which may be obtained during the course of earning the degree or additional to the degree. The education shall be in all the following areas:

1. Understanding addiction.

2. Knowledge of addiction treatment.

3. Application to addiction practice.

4. Professional readiness in addiction treatment.

(b) A minimum of 200 hours of face-to-face client treatment with individuals diagnosed with substance use disorders, under the supervision of a qualified supervisor, which can be either the same as or separate from the hours obtained for the credential issued by the board.

(3) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A BACHELOR'S DEGREE. To be authorized to treat substance use disorder as a specialty, a credential holder who has obtained a bache-

REVISED STATEMENT OF SCOPE

MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD

Rule No.: MPSW 14.01

Relating to: Internship and Courses

Rule Type: Permanent

**This amends Statement of Scope SS 084-15
which was approved by the Governor on August 24, 2015,
published in Register 716B on August 31, 2015 and approved by the Marriage and
Family Therapy, Professional Counseling and Social Work Examining Board on October 21, 2015.**

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to clarify that the 6 semester hours credit in a supervised internship includes a class component.

In addition, the proposed rule will clarify that courses taken outside of the degree can count towards the academic program equivalent to a master's degree in professional counseling.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Board would like to clarify the requirements for the supervised internship counseling experience is similar to the supervised practicum counseling experience in that the experience includes group supervision that is provided on a regular schedule throughout the internship by a program faculty member or a student supervisor.

The current rule allows for courses to be taken outside of the master's program to reach the program equivalency. However, CR 13-009, which goes into effect on September 1, 2018, removes this provision. This will create a barrier for some people to come into the profession. Therefore, this proposed rule is necessary to ensure the provision is maintained.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

§ 15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

§ 457 .03(1) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker, marriage and family therapist, or professional counselor under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

75 hours

6. List with description of all entities that may be affected by the proposed rule:

Applicants and schools offering education equivalent to a degree in professional counseling

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal. It is not likely to have a significant economic impact on small businesses.

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Authorized Signature

Date Submitted

STATE OF WISCONSIN
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL
COUNSELING AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING AND
PROFESSIONAL COUNSELING AND : SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 16-009)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 11.02, 12.03, 12.04 and 14.04; to amend MPSW 11.04 (intro) and (2); and to repeal and recreate MPSW 11.01, 11.035, 11.04 (3), (4), and (5), 12.01, 12.02 and 14.02 and create 10.01 (2) relating to licensure, education, exam and supervised practice of professional counseling.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss 457.12, 457.13, 457.14, and 457.15 (3), Stats.

Statutory authority: ss. 15.08 (5) (b) and 457.03 (1), Stats.

Explanation of agency authority:

Each examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. [s. 15.08 (5) (b), Stats.]

The examining board shall upon the advice of the...marriage and family therapist section...promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as ...marriage and family therapist under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards. [457.03 (1), Stats.]

Related statute or rule: n/a

Plain language analysis:

Section 1 creates a definition for face-to-face to allow for electronic communication.

Section 2 repeals and recreates the licensure requirements. An applicant is required to file an application with fee, provide evidence of a degree in professional counseling or equivalent, evidence of completion of 3,000 supervised hours, pass a national exam and not have an arrest or conviction record related to professional counseling.

Section 3 repeals the section on approved examinations due to the list of examinations is now incorporated in the licensure requirements.

Section 4 repeals and recreates temporary licenses to clarify the requirements and allow for one renewal of the temporary license to bring into compliance with statutes.

Sections 5, 6, and 7 clarifies reciprocal license, removes an incorrect citations and brings the provision into statutory compliance.

Section 8 repeals and recreates the supervised practice requirement. An applicant is required to complete a supervised practice requirement while holding a training license. Supervision in another state will be recognized for obtaining a license in Wisconsin.

Section 9 repeals and recreates the section relating to the supervised practice. The supervisor must be one of the following: an individual licensed as professional counselor with a doctorate degree; an individual licensed as a professional counselor who has engaged in the practice of professional counseling for 5 years; a psychiatrist; a psychologist; a person employed by the division of vocational rehabilitation as a vocational rehabilitation supervisor who is licensed a professional counselor or engaged in the equivalent of 5 years of professional counseling; or an individual who is approved in advance by the section based upon evidence of 5 years of experience in counseling practice. Supervisor responsibilities include: face-to-face supervision at a frequency and duration as determined by the supervisor but averages out to one hour per week; permit the supervisee to engage only in professional counseling services the supervisor can competently perform; be available for emergency consultation or intervention; be legally and ethically responsible for the supervised activities of the supervisee; be able to interrupt or stop the supervisee from practicing in given cases; and to terminate the supervised relationship. Group supervision may occur in groups no more than 6 persons for every 1 person providing supervision and each person receives credit for one hour for each hour the group meets for supervision.

Section 10 repeals the pre-licensure supervised practice outcome requirement and limitations on group supervision as it is addressed under Section 9.

Section 11 repeals and recreates the academic program equivalent to a doctorate in professional counseling. The doctoral program shall consist of the following: a minimum of 4 academic years of graduate level preparation with a minimum of 96 semester credits; a supervised doctoral level practicum of a minimum of 100 hours in counseling, of which 40 must be in direct service with clients; an internship that totals a minimum of 600 hours; and the practicum and internship require weekly individual or triadic supervision.

Section 12 repeals MPSW 14.04 which is no longer necessary due to CR 13-117 creating MPSW 19 which went into effect on March 1, 2015.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois applicants must obtain a master's or doctoral degree in counseling, psychology or rehabilitation counseling, pass a national exam, 2 years of full time supervised experience (1680 hours in no less than 48 weeks equals 1 year). Doctoral degrees must be accredited by the Council for Accreditation of Counseling and Related Educational Programs or the Council on Rehabilitation Education. A qualified supervisor is a person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist or psychiatrist. The supervisor is required to meet with the applicant at least one hour per week. Live face to face supervision does not include mail, email, telefax or phone. Group supervision may occur with one supervisor per 5 supervisees. [225 ILCS 107; Title 68, Chapter VII, Subchapter b, Part 1375]

Iowa: Iowa applicants are required to complete a mental health counseling program accredited by the Council on Accreditation of Counseling and Related Educational Programs, pass a national examination and complete 3,000 hours of mental health counseling including 1,500 hours of direct client contact and 200 hours of clinical supervision. A minimum of 25% of all clinical supervision must be in person. Electronic supervision is permitted if the first two meetings are face-to-face and in person and the system utilized is a confidential, interactive, secure, real-time system that provides for visual and audio interaction between the licensee and the supervisor. A temporary license is required for the purpose of fulfilling the postgraduate supervised clinical experience requirement and is valid for three years and may be renewed at the discretion of the board. A person who holds a license in another state may obtain licensure by endorsement provided the licensure requirements are similar to those required in Iowa. [Chapter 31, Iowa Code]

Michigan: Michigan applicants are required to have a master's or doctoral degree in counseling or student personnel work in a program approved by the board, pass a national test and engage in 3,000 hours in not less than a 2 year period with not less than 100 hours of regularly scheduled supervision. Supervised hours are required to be accrued while holding a limited license. An applicant applying by endorsement who has engaged in the practice of counseling for a minimum of 5 years is deemed to meet requirements and an applicant applying by endorsement who has engaged in less than 5 years is required to meet the requirements for licensure by examination. Approved supervisors are individuals who were providing supervision on or before January 1, 2013 and have at least 3 years of experience in counseling or individuals who acquired at least 3 years of practice in counseling and have completed required training in the function of counseling supervision. [R 338.1751 – 338.1757]

Minnesota: Minnesota applicants are required to complete a master's or doctoral degree program in counseling or a related field, pass a national test and complete 4,000 hours of

supervised practice. The supervision shall be done by a board approved supervisor who has at least two years of post licensure experience in the delivery of clinical services. The supervision is to be obtained at the rate of 2 hours of supervision per 40 hours of professional practice. At least 75% of the supervision must be received in person and the remaining 25% by telephone or audio or audiovisual electronic device. A person who holds a license in another state may obtain licensure by reciprocity provided the licensure requirements are similar to those required in Minnesota. [Minn. Stats. 148B.50; Minnesota Rules 2150.0050 – 2150.7610]

Summary of factual data and analytical methodologies:

The Professional Counselor Section reviewed the rules for statutory compliance and to update and clarify to current standards. In determining the standards for doctoral degree equivalency requirements, the Professional Counselor Section reviewed the Council on Accreditation of Counseling and Related Educational Programs standards.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for economic impact comments and none were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1 MPSW 10.01 (2) is created to read:

MPSW 10.01 (2) “Face-to-face” means in person or real time video conferencing where all parties can communicate by simultaneous two-way video and audio transmissions.

SECTION 2. MPSW 11.01 is repealed and recreated to read:

MPSW 11.01 Application for licensure as a professional counselor. An applicant for a professional counselor license shall submit all of the following:

- (1) An application with the required fee under s. 440.05(1), Stats.
- (2) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with one of the following approved degrees:
 - (a) A master's or doctoral degree in professional counseling.
 - (b) A degree from a program which is accredited by the Commission for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE) at the time the applicant graduated.
 - (c) A program which is equivalent to a master's or doctoral degree in professional counseling by meeting the requirements in s. MPSW 14.01 or 14.02.
 - (d) A degree awarded by a foreign institution of higher learning which has been evaluated by an organization approved by the professional counselor section and is equivalent to a degree from a program approved under pars. (a) to (c). If the applicant's education was not received in English, the applicant must demonstrate proficiency in English on an approved test of English as a foreign language.
- (3) Verification the applicant has completed one of the following:
 - (a) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least 3,000 hours of professional counseling practice, including at least 1,000 hours of face-to-face client contact, while holding a valid professional counselor training license and supervised by a person qualified to supervise under s. MPSW 12.02.
 - (b) Either during or after the doctorate degree program in professional counseling or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice supervised by a person qualified to supervise under MPSW 12.02. Any supervised practice outside of the doctorate degree program shall be done while holding a valid professional counselor training license.
- (4) Verification of a passing score on one of the following:
 - (a) National Counselor Examination (NCE).
 - (b) National Clinical Mental Health Counseling Examination (NCMHCE).
 - (c) Certified Rehabilitation Counselor (CRC) examination.
 - (d) Another examination approved by the professional counselor section.
- (5) If the applicant has an arrest or conviction record, documentation necessary for the section to determine whether the circumstances substantially relate to professional counseling, subject to ss. 111.321, 111.322 and 111.335, Stats.

SECTION 3. MPSW 11.02 is repealed.

SECTION 4. MPSW 11.035 is repealed and recreated to read:

MPSW 11.035 Temporary license. (1) The professional counselor section may issue a temporary license to practice professional counseling to an individual who does all of the following:

- (a) Submits application and pays the fee specified in s. 440.05(6), Stats.

- (b) Satisfies the requirements under s. MPSW 11.01(2) and (3).
- (c) Submitted an application to take the next available examination under s. MPSW 11.01(4).

(2) A temporary license is valid for a period not to exceed 9 months and may be renewed once.

SECTION 5. MPSW 11.04 (intro) is amended to read:

MPSW 11.04 Reciprocal license. The professional counselor section shall grant a license as a professional counselor ~~under s. 457.12, Stats.,~~ to an applicant who pays the fee required by s. 440.05(2), Stats., and provides evidence of all of the following ~~to the section:~~

SECTION 6. MPSW 11.04 (2) is amended to read:

MPSW 11.04 (2) The requirements for ~~the grant of~~ obtaining the credential in the other state or territory of the United States are substantially equivalent to the requirements ~~for the grant of a license~~ under s. 457.12, Stats.

SECTION 7. MPSW 11.04 (3), (4) and (5) are repealed and recreated to read:

- (3) The applicant does not have a license, registration or certificate revoked, suspended, limited or subject to any other discipline in any other jurisdiction warranting denial.
- (4) The applicant does not have an arrest or conviction record which substantially relate to the practice of professional counseling, subject to ss. 111.321, 111.322 and 111.335, Stats.
- (5) The applicant has a passing score on the Wisconsin statutes and rules examination.

SECTION 8. MPSW 12.01 is repealed and recreated to read:

MPSW 12.01 Supervised practice requirement. (1) Except as provided in sub. (4), an applicant for licensure as a professional counselor under s. 457.12, Stats., shall complete a period of supervised practice while holding a valid professional counselor training license before being eligible for licensure. Supervision may be exercised by a person other than an employment supervisor.

(2) A person with a training license must be supervised.

(3) An applicant who has completed any portion of his or her supervised professional counseling practice in another state shall be given credit for those hours obtained without a professional counselor training license provided the hours meet the requirements of this chapter.

SECTION 9. MPSW 12.02 is repealed and recreated to read:

MPSW 12.02 Supervised practice. (1) SUPERVISOR QUALIFICATIONS. It is the applicant's responsibility to satisfy the professional counselors section that the applicant's supervisor met all qualifications. Supervision of the supervised practice of professional counseling may be exercised by any of the following:

- (a) An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

- (b) An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling.
- (c) A psychiatrist.
- (d) A psychologist licensed under ch. 455, Stats.
- (e) A person employed by the division of vocational rehabilitation as a vocational rehabilitation supervisor, who is licensed as a professional counselor or who has engaged in the equivalent of 5 years of full-time professional counseling.
- (f) An individual, other than an individual specified in pars. (a) to (e), who is approved in advance by the professional counselor section based upon evidence of 5 years of experience in counseling practice.

(2) SUPERVISOR RESPONSIBILITIES. The supervisor's responsibilities include all of the following:

- (a) Exercise discretion as to the frequency, duration, and intensity of the face-to-face supervision session to meet an average of one hour of supervision per week during the supervised practice period.
- (b) Permit a supervisee to engage in only professional counseling services the supervisor can competently perform.
- (c) Be available or make appropriate provision for emergency consultation or intervention.
- (d) Be legally and ethically responsible for the supervised activities of the supervisee.
- (e) Be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases.
- (f) To terminate the supervised relationship.

(3) GROUP SUPERVISION REQUIREMENTS. Supervision in group sessions shall meet all of the following:

- (a) The group shall consist of no more than 6 persons for every one person providing supervision.
- (b) Each person receiving supervision as part of the group session receives one hour credit for each hour that the group meets for supervision, but may not credit any time which is primarily social activity with the group or supervisor as part of a supervision session.
- (c) A supervision session for a group or individual which is provided by more than one supervisor may not be credited for more than the actual time elapsed during the supervision session, not including social activities.

SECTION 10. MPSW 12.03 and 12.04 are repealed.

SECTION 11. MPSW 14.02 is repealed and recreated to read:

MPSW 14.02 Academic program equivalent to a doctorate in professional counseling. An academic program is the equivalent of a doctoral degree in professional counseling from an approved institution if the completed program meets all of the following criteria:

- (1) The course work was completed at an institution which was accredited by its regional accrediting association at the time the applicant graduated from the program, and was part of a

program of studies leading to a doctoral degree in a field closely related to professional counseling.

(2) The doctoral program consists of a minimum of 4 academic years of graduate-level preparation defined as 8 semesters or 12 quarters with a minimum of 96 semester credits or 144 quarter credits of graduate-level credits required of all students in the program.

(3) Doctoral students are required to participate in a supervised doctoral-level practicum of a minimum of 100 hours in counseling, of which 40 hours must be in direct service with clients. The nature of the doctoral-level practicum experience is to be determined in consultation with program faculty or a doctoral committee, or both. During the doctoral student's practicum, supervision by student supervisors is not permissible.

(4) Doctoral students are required to complete doctoral-level counseling internships that total a minimum of 600 hours. The 600 hours may include supervised experiences in clinical practice, research, and teaching. The internship includes most of the activities of a regularly employed professional in the setting. The 600 hours may be allocated at the discretion of the doctoral advisor and the student on the basis of experience and training.

(5) During the practicum and internship, the student receives weekly individual or triadic supervision, performed by a supervisor with a doctorate in professional counseling or a related profession. Group supervision is provided on a regular schedule with other students throughout the internship and is usually performed by a program faculty member.

SECTION 12. MPSW 14.04 is repealed.

SECTION 13. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Board Chair
Marriage and Family Therapy, Professional
Counseling and, Social Work Examining Board