

**JOINT EXAMINING BOARD MEETING  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK JOINT EXAMINING BOARD  
MEETING MINUTES  
JULY 27, 2010**

**PRESENT:** Arlie Albrecht, Eric Alvin, Nancy Clark (joined the meeting at 9:50 a.m.), Alice Hanson-Drew, George Kamps, Bruce Kuehl, Charles Lindsey, Khyana Pumphrey, Nicholas Smiar, Ann Marie Starr, Mary Jo Walsh

**EXCUSED:** Leslie Mirkin, Daryl Wood

**STAFF:** Jeff Scanlan, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant and other DRL Staff

**GUESTS:** Joseph D’Costa, Department of Workforce Development – Division of Vocational Rehabilitation (DWD/DVR); Marc Herstand, National Association of Social Workers (NASW) WI Chapter; Cathy Couter, LMFT; David Dies, Educational Approval Board (EAB)

**CALL TO ORDER**

Mary Jo Walsh, Chair, called the meeting to order at 9:11 a.m. A quorum of ten (10) members was present.

**APPROVAL OF AGENDA**

**Amendments to the Agenda**

- After Item “A” (open session) Under the item titled “Board Status of Statutes and Rules and Review of Rules Projects” **ADD:**
  - Review of Clearinghouse Comments and Rulemaking Status Update Regarding the MPSW 1.11, Wis. Admin. Code, Relating to Psychometric Testing
  - Review of Scope Statement to Amend MSPW 20.02, Wis. Admin. Code, to Define the Failure to Have a Grievance Procedure and the Failure to Report Disciplinary Action as Unprofessional Conduct

**MOTION:** Eric Alvin moved, seconded by Arlie Albrecht, to approve the July 27, 2010 agenda as amended. Motion carried unanimously.

## ADMINISTRATIVE REPORT

Jeff Scanlan informed the Board that Evelyn Pumphrey has resigned from the Professional Counselor (PC) Section and introduced Khyana Pumphrey as a new professional member of the PC Section. He informed the Section that Gail Sumi, Bureau Director, has left the Department and noted that the Division of Enforcement has hired a number of new attorneys.

### APPROVAL OF THE MPSW JOINT BOARD MINUTES OF APRIL 13, 2010

- Page 1 of the Minutes: Add: “Nancy Clark” to the listing of board members present.
- All Pages of the Minutes: Correct the date listed on the footer from “January 12, 2010” to “April 13, 2010”
- Page 3 of the Minutes: Correct the first sentence on this page as follows, “Jeff Scanlan then reporteded to the Board...”
- Page 3 of the Minutes: Correct the second sentence on this page as follows, “The Board noted that this event was well attended and...”
- Page 4 of the Minutes: Under the header titled “Summary Reports Administrative Rules and Press Releases” in the first sentence of the first paragraph make the following change, “...scope statement to amend MPSW 20 to make it a violation for ~~social workers~~ license holders not to...”
- Page 6 of the Minutes: Correct the last sentence of the first full paragraph on this page to read, “Jeff Scanlan encouraged committee members to review ~~of~~ 1991 Wisconsin Act 160...”
- Page 9 of the Minutes: Correct the third sentence of the fourth paragraph on this page as listed, “George Kamps indicated that he feels this parallels the issues of what’s required of a supervisor and recommends communicating this information...”

**MOTION:** Charles Lindsey moved, seconded by Alice Hanson-Drew, to approve the MPSW Joint Board Minutes of April 13, 2010 as amended. Motion carried unanimously.

## BOARD STATUS OF STATUTES AND RULES AND REVIEW OF RULES PROJECTS

### Review of Clearinghouse Comments and Rulemaking Status Update Regarding the MPSW 1.11, Wis. Admin. Code, Relating to Psychometric Testing

Colleen Baird distributed Clearinghouse comments pertaining to the Board’s changes to MPSW 1.11, Wis. Admin. Code, relating to psychometric testing. The Board reviewed its rule draft and the Clearinghouse comments in order to identify its responses and to identify any amendments that should be made to the Board’s rule draft. The Board provided revisions and requested that clarifying amendments be made to the rule draft. In the interest of time, Jeff Scanlan suggested that the Board designate members to complete the review, to assist in language revisions and to assist in drafting responses to the Clearinghouse comments.

**MOTION:** Eric Alvin moved, seconded by Nicholas Smiar, to authorize the existing MPSW Joint Board subcommittee consisting of Bruce Kuehl, George Kamps and Khyana Pumphrey to respond to clearinghouse comments in order to move the rule making process forward. Motion carried unanimously.

*(Nancy Clark joined the meeting via Live Meeting connection at 9:50 a.m.)*

**Review of Scope Statement to Amend MSPW 20.02, Wis. Admin. Code, to Define the Failure to Have a Grievance Procedure and the Failure to Report Disciplinary Action as Unprofessional Conduct**

Jeff Scanlan distributed a scope statement pertaining to the Board's intent to amend MPSW 20.02, Wis. Admin. Code, to define the failure to have a grievance procedure and the failure to report disciplinary action as unprofessional conduct. He reviewed the scope statement and discussed its content with the Board. The reporting requirements of licensees of the Board and of other states were discussed. The Board discussed the enforcement of these requirements once the rule is enacted.

Jeff Scanlan informed the Board that Mary Jo Walsh has been authorized by the Board to review and approve the scope statement. He advised the Board that once the draft has been approved it will be provided to Pamela Haack, Paralegal, for publication. The Board discussed the anticipated rule drafting timeframes.

**DISCUSSION – REPEAL OF MPSW 1.09 OF THE WISCONSIN ADMINISTRATIVE CODE RELATED TO ALCOHOL AND DRUG ABUSE COUNSELING**

Ann Marie Starr provided the Board with history relating to this topic and noted that the Board had made a motion at a prior meeting to repeal portions of MPSW 1.09 Wis. Admin. Code, related to alcohol and drug abuse counseling. Mary Jo Walsh and Ann Marie Starr reported to the Board regarding a meeting they attended with Secretary Jackson yesterday. Ann Marie Starr informed the Board that the Secretary expressed hesitation about the Board's plan for repeal of portions of MPSW 1.09, Wis. Admin. Code. She indicated that the Secretary's hesitation was explained as a reaction to comments previously received by the Department when it was working to enact substance abuse counseling rules. Ann Marie Starr indicated that the Secretary also noted that the Board should be mindful of the fact that Department will probably be undergoing administration changes as a result of the upcoming gubernatorial election and that this will mean that it is almost ensured that there will be changes for the Department.

The Board discussed whether to continue the pursuit of repealing provisions that prohibit AODA treatment in Chapter 457, Wis. Admin. Code and noted that there is a good possibility that there will be opposition to this legislative initiative. Marc Herstand, NASW-WI, provided comments and informed the Board that it would have the support of the NASW-WI if it decides to continue pursuit of repeal. He suggested that the Board could take the interim step of repealing all of its substance abuse related rule provisions with the exception of the requirement for continuing education. He stated that the Board could then define the requirements for practicing as completion of continuing education. Marc Herstand noted that rule repeal may pave the way for legislative action in the future. The Board discussed whether to pursue repeal of certain rule provisions pertaining to its substance abuse rules. The Board considered the plight of individuals that are in the substance abuse field but do not hold a masters degrees.

Jeff Scanlan advised the Board that once it has more clearly defined its approach to this rule change that it contact the Department of Corrections, the Department of Health Services and the Department of Children and Family so that they will be cognizant of the impact to those agencies.

**MOTION:** Eric Alvin moved, seconded by Ann Marie Starr, to request that a the drafting of a scope statement to revise MPSW 1.09, Wis. Admin. Code, to simplify the process and to improve access and to authorize Mary Jo Walsh to review and approve the scope statement for publication. Motion carried unanimously.

**DISCUSSION REGARDING MPSW JOINT BOARD BRINGING DHS AUTHORIZED PSYCHOTHERAPISTS (PURSUANT TO S. 457.02 (6) (B) 2, WIS. STATS., AND CHAP. HFS 35, WIS. ADMIN. CODE) UNDER THE REGULATORY AUTHORITY OF THE BOARD**

George Kamps, as a member of the subcommittee provided a copy of the subcommittee's report to the full Board. The report contained the subcommittee's findings and their proposed options for regulation of DHS authorized psychotherapists as recommended by the subcommittee.

The Board discussed issues with approval of hours accepted by DHS, including whether it would be possible to verify hours (hours face-to-face versus support hours), supervisors, work done, and difficulties in obtaining supervisor verification of their original practice.

The Board discussed options for grand parenting letter holders or offering a new certification category that the Board could offer to letter holders e.g. The certification could be regulated by the Joint Board under a committee review.

If there is a new certification, this should be in line with current requirements and titles used by DHS. For example, if a certification is developed for DHS letter holders, an option to title could be: Certified Mental Health Practitioner which is in line with language in HSF 35. If the Board would elect to pursue this title, certification should be mandatory (public protection) and communication should be sent to DHS certified clinics informing them that this certificate will need to be obtained. The Board asked that the Department forward the subcommittee proposal to DHS representatives Hale and Zimmerman.

**MOTION:** Eric Alvin moved, seconded by Nicholas Smiar, to endorse the subcommittee's proposal regarding options for regulation of DHS authorized psychotherapists. Motion carried unanimously.

### **MPSW JOINT BOARD REGULATORY DIGEST**

Jeff Scanlan informed the Joint Board that the Department has been preparing an electronic Regulatory Digest and is requesting the submission of an article authored by the Board Chair in terms of the work of the Board and its goals.

### **MPSW JOINT BOARD PLANNING ON BOARD GOALS FOR 2010**

1. **Amendment of Wis. Stat. 457.02 Regarding Repeal of Provisions Which Restrict Board License Holders from Providing Treatment of Substance Abuse and Substance Use Disorders**

The Board discussed this topic earlier in the meeting.

2. **Create Supervisory Guidelines and Address Disparity of Supervisor Regulations Across Regulations of the 3 Professions of the MPSW Joint Board.**

George Kamps requested feedback from the Board about the depth of its focus relative to supervision requirements and pertinent application forms across the Sections of the Joint Board. The Board expressed general agreement regarding its wish to bolster supervisory requirements and to be more consistent. The Board discussed the possibility of drafting a white paper and considered means of educating supervisor and supervisees as to the Board's expectations for the supervisory relationship prior to the start of supervision. The Board discussed the utilization of supervisory affidavits and explored its authority to enact licensing requirements relevant to the supervisory qualifications.

The Board identified that this subcommittee lost Evelyn Pumphrey, Professional Counselor Section, as a member. Khyana Pumphrey was appointed to the subcommittee as the Professional Counselor Section in place of Evelyn Pumphrey.

**3. DHS Mental Health Provider Status Letter Holders – Discussion on What Actions Should Be Taken to by MPSW Joint Board to in Terms of Recognizing Unlicensed DHS-Recognized Mental Health Providers**

The Board noted that it addressed discussion of this topic earlier in the meeting.

**REPORT OF MARRIAGE & FAMILY THERAPY SECTION**

Ann Marie Starr reported to the Board relative to the business of the Marriage and Family Therapy Section. She indicated that the Section met yesterday and spent majority of its time addressing topics of discussion that have been addressed by the Joint Board today. She indicated that there is nothing of substance to report in terms of individual Section business.

**REPORT OF PROFESSIONAL COUNSELOR SECTION**

Charles Lindsey provided the Professional Counselor Section report in place of Leslie Mirkin. He indicated that the Section will meet after the conclusion of the Joint Board meeting and indicated that the Section will be addressing a fairly significant agenda this afternoon.

**REPORT OF SOCIAL WORKER SECTION**

George Kamps reported that the Social Work Section's primary target is to address difficulties pertaining to the process for obtaining a social work training certificate (SWTC), particularly in the area of the requirements for obtaining a SWTC with "other" human services degrees and don't always satisfy the Section's requirement. The Section is also keeping its eyes open to the issue of online education, online supervision and online ethics courses and the utilization of online technology as it applies to social work education or practice.

**REVIEW OF INQUIRIES RECEIVED BY LEGAL COUNSEL**

Colleen Baird explained her approach to practice question response and noted there are no questions requiring Board consultation at this time.

### **OTHER BOARD BUSINESS**

The Board requested an update regarding a discussion it held previously concerning the equalization of renewal fees for its Sections. Jeff Scanlan provided a general outline of how Department fees are established for professions and provided background regarding this issue for the benefit of new members of the Board. Jim Parker, Division of Enforcement Administrator, who was formerly the Department's budget director, joined the meeting to provide the Board with information pertinent to its request for equalization of fees for its Sections. He explained that the Department creates a fee schedule on a biennial basis (odd years) that is then sent to the Joint Finance Committee for approval. Jim Parker indicated that the fee schedule is typically approved without any problems. The Board inquired about when information about the equalized renewal will be calculated and request that this amount be communicated to the Board once available. Jim Parker indicated that the fee schedule calculations begin in August and indicated that he would provide this information to the Board once it has been determined.

### **ADJOURNMENT**

**MOTION:** Arlie Albrecht moved, seconded by George Kamps, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:35 p.m.