

**JOINT EXAMINING BOARD MEETING
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK JOINT EXAMINING BOARD
MEETING MINUTES
JANUARY 11, 2011**

PRESENT: Arlie Albrecht, Eric Alvin, Nancy Clark, Alice Hanson-Drew, George Kamps, Leslie Mirkin, Khyana Pumphrey, Nicholas Smiar, Ann Marie Starr, Daryl Wood

EXCUSED: Bruce Kuehl, Charles Lindsey, Mary Jo Walsh

STAFF: Tom Ryan, 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); Mark Hale, Department of Health Services – Division of Quality Assurance (DHS/DQA); Sue Gadacz, Department of Health Services – Division of Mental Health and Substance Abuse Services (DHS/DMHSAS); Kevin Allemagne, Wisconsin Association of Marriage and Family Therapy (WAMFT); Sheryl Graeber, Wisconsin Association of Alcohol and Other Drug Abuse (WAAODA) & Wisconsin Association of Alcohol and Drug Abuse Counselors (WAADAC); Angela McAlister, WAAODA; David Macmaster and Michael Kemp, WAADAC; Jeni Frazer, National Association of Social Workers (NASW) Intern; Sarah Coyle, Department of Health Services – Division of Health Care Access and Accountability (DHS/DHCAA)

CALL TO ORDER

Leslie Mirkin, Chair, called the meeting to order at 9:05 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 “Administrative Report” **ADD:** “Introduction of New Department Leadership”
- Item “G” (open session) Under the item titled “Status of 3RD Party Reimbursement for Mental Healthcare *DHS Representative Sarah Coyle has been Invited to Update the Board” **ADD:** “9:45 A.M. Appearance – Sarah Coyle, DHS”

- Item “H” (open session) Under the item titled “Board Discussion and Consideration of Comments to be Provided by Representatives of the Wisconsin Association of Drug and Alcohol Counselors (WAADAC), Wisconsin Alcohol & Drug Treatment Providers Association (WADTPA), and Wisconsin Association of Alcohol and Drug Abuse (WAAODA) Regarding Proposed Revision to s. MPSW 1.09, Wisconsin Administrative Code” **ADD:** “10:00 A.M. Appearance – Sheryl Graeber”

MOTION: George Kamps moved, seconded by Alice Hanson-Drew, to approve the January 11, 2011 agenda as amended. Motion carried unanimously.

SEATING OF THE BOARD OFFICERS FOR 2011

Leslie Mirkin, Chair; Arlie Albrecht, Vice Chair; Eric Alvin, Secretary

Noted.

APPROVAL OF MPSW JOINT BOARD MEETING MINUTES OF OCTOBER 26, 2010

Amendments to the Minutes

- Page 5 of the Minutes: Under the topic titled: “Discussion Regarding MPSW Joint Board Bringing DHS Authorized Psychotherapists – a.k.a.”Dan Crossman Letter Holders” (pursuant to s. 457.02 (6) (b) 2, Wis. Stats. and Chap. HFS 35, Wis. Admin. Code) under the Regulatory Authority of the Board” Correct the last sentence of the third paragraph to read: “...as such a limitation may be argued as presenting **consumer** access issues.”

MOTION: Eric Alvin moved, seconded by Arlie Albrecht, to approve the minutes of October 26, 2010 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Jim Parker, Administrator – Division of Management Services, appeared at the request of the Board to provide a report regarding the status of the Department’s efforts to equalize the licensure and renewal fees across the professions of the Joint Board. Mr. Parker explained how the Department determines its fees, and indicated that approval of the proposed fees is subject to passive review by the Joint Finance Committee. He indicated that if no objections are raised the Department’s fee determinations are accepted and become law.

The Board identified a concern in that the renewal of its professions is set to occur on February 28, 2011 and the anticipated date of effect for fee equalization, as stated by Mr. Parker, is to occur no earlier than February 14, 2011. The Board explored options for addressing this concern and inquired of the possibility of posting an advisory message on the Department website explaining the situation resulting from the renewal fee equalization amongst Joint Board professions and the passive review of the Joint Finance Committee. Jim Parker informed the Board that he would need the approval of Deputy Secretary John Scocos to post such a notification to the website. He indicated that he would communicate the Deputy Secretary's decision to Leslie Mirkin, Chair, and if approval is granted he will work with Leslie Mirkin to develop the advisory language.

Introduction of New Department Leadership

Dave Ross, DRL Secretary and John Murray, DRL Executive Assistant, appeared before the Board to introduce themselves. The Joint Board directed several questions to the Secretary and Executive Assistant.

Board Member Emergency Contact Form

Tom Ryan advised the Board that the Department is updating its board member emergency contact information. He requested that the members of the Board submit a completed emergency contact form prior to departure.

Annual Policy Review

Tom Ryan reviewed policies with the Board.

Board Member Appointments

None.

BOARD STATUS OF STATUTES AND RULES AND REVIEW OF RULES PROJECTS

CR 10-013 MPSW 1.11 Changes to Psychometric Testing Effective Jan 1, 2011

Colleen Baird informed the Board that changes to MPSW 1.11, relating to psychometric testing are now effective. She indicated that Bruce Kuehl is in the process of drafting an advisory notification for the website explaining the impact of this rule change. Colleen Baird informed the Joint Board that review of the advisory document is expected to occur at a future Joint Board meeting.

DISCUSSION: FEDERALLY PROPOSED CHANGES TO SCOPES OF PRACTICE FOR SUBSTANCE ABUSE COUNSELORS BASED ON LEVEL OF EDUCATION, REPRESENTATIVES FROM DHS MAY PRESENT TO BOARD: SUE GADACZ; MARK HALE; DAN ZIMMERMAN

Sue Gadacz, Mark Hale and Dan Zimmerman, Department of Health Services (DHS), appeared before the Board to address federally proposed changes to the scope of practice for substance abuse counseling based upon level of education. Sue Gadacz spoke to the impact these federally proposed changes may have within the state. Through the course of discussion with DHS representatives, the Board reviewed and/or considered the topics outlined below:

- Statistical data regarding current substance abuse counselor requirements in other jurisdictions and the sufficiency of the states existing requirements for substance abuse counseling practice.
- Tiered scopes of practice and the level of education that must be achieved to provide certain services.
- Challenges to grandfathered substance abuse counselors that have only completed high school level education.
- Changes to the eligibility requirements for receiving Medicaid reimbursement.
- Consideration of whether to continue pursuit of the Joint Board's plan to amend MPSW 1.09, Wis. Admin. Code.
- Curriculum changes resulting from federally proposed changes and whether Wisconsin schools have received notification.

Sue Gadacz provided the Board with a printed copy of correspondence from the State Council on Alcohol and Other Drug Abuse (SCAODA) to Dave Ross, DRL Secretary, detailing the federally proposed changes and explaining the issues that may result from these changes.

STATUS OF 3RD PARTY REIMBURSEMENT FOR MENTAL HEALTHCARE *DHS REPRESENTATIVE SARAH COYLE HAS BEEN INVITED TO UPDATE THE BOARD

Mark Hale and Dan Zimmerman, DHS, remained with the Board for review of this item. Sarah Coyle, DHS, updated the Board regarding the status of 3rd party reimbursement for mental healthcare. She reported the following information:

- The vendorship bill was implemented on January 1, 2011. Vendorship allows licensed psychotherapists to practice independently and receive reimbursement from Medicaid for rendered services.
- She indicated that DHS recently conducted a recertification due to impending changes and will be requiring a 2nd recertification that will occur in spring as a result of federal health care reform.
- Efforts to implement reimbursements for qualified treatment trainees were communicated; anticipated to be in place by March 1, 2011.

- A category for dual certification specifically intended for individuals who hold a substance abuse counseling certification or specialty and a masters level psychotherapy license is being implemented.

The Board posed questions to Sarah Coyle regarding her updates. The Board thanked Ms. Coyle for appearing and for providing this update.

BOARD DISCUSSION AND CONSIDERATION OF COMMENTS TO BE PROVIDED BY REPRESENTATIVES OF THE WISCONSIN ASSOCIATION OF DRUG AND ALCOHOL COUNSELORS (WAADAC), WISCONSIN ALCOHOL & DRUG TREATMENT PROVIDERS ASSOCIATION (WADTPA), AND WISCONSIN ASSOCIATION OF ALCOHOL AND OTHER DRUG ABUSE (WAAODA) REGARDING PROPOSED REVISION TO S. MPSW 1.09, WISCONSIN ADMINISTRATIVE CODE

Several individuals appeared before the Board, introduced themselves, as listed below, and voiced their opinions regarding proposed changes to MPSW 1.09, Wis. Admin. Code.

Individuals appearing before the Board: Sheryl Graeber, Wisconsin Association of Alcohol and Drug Abuse Counselors (WAADAC); Wisconsin Association of Alcohol and Other Drug Abuse (WAAODA); Licensed Clinical Social Worker (LCSW); Substance Abuse Counselors Advisory Committee; Angela McAlister, Executive Director-WAAODA; David Macmaster, Wisconsin Alcohol and Drug Treatment Providers Association (WADTPA), WAADAC, Dane County Chemical Dependency Consortium; Michael Kemp, WAADAC, Certified Social Worker (CSW), Certified Substance Abuse Counselor (CSAC), Intermediate Clinical Supervisor

Michael Kemp distributed and reviewed correspondence to the Department from WAAODA, WADTPA and WAADAC in opposition to the Joint Board's proposed amendments to MPSW 1.09, Wis. Admin. Code. The Board discussed the changes it proposed to MPSW 1.09, Wis. Admin. Code, and the impact of federally proposed changes to the scopes of practice for substance abuse counseling, to those professionals offering substance abuse treatment in the state. The Joint Board and its appearing guests agreed that there is a need to work collaboratively to revise its approach to addressing inadequacies within MPSW 1.09, Wis. Admin. Code, while accounting for federally proposed revisions to the scopes of practice for substance abuse counseling. The Board discussed how to encourage and support ongoing dialogue with the substance abuse counseling profession.

The Board decided that each Section should work to develop recommendations relating to MPSW 1.09, Wis. Admin. Code, for review at its July meeting. The Board indicated that an invitation to participate in open discussion at the July Joint Board meeting be extended to the interested parties appearing at today's meeting. The individuals appearing before the Board were thanked for their attendance and the information they provided.

MOTION: Arlie Albrecht moved, seconded by George Kamps, that this matter be brought to the each of the Sections for discussion in April, and addressed at the Joint Board level at its July meeting. Motion carried unanimously.

DISCUSSION REGARDING MPSW JOINT BOARD BRINGING DHS AUTHORIZED PSYCHOTHERAPISTS – A.K.A.”DAN CROSSMAN/MARK HALE LETTER HOLDERS” (PURSUANT TO S. 457.02 (6) (B) 2, WIS. STATS., AND CHAP. HFS 35, WIS. ADMIN. CODE) UNDER THE REGULATORY AUTHORITY OF THE BOARD

Dan Zimmerman and Mark Hale, DHS, participated in the Board’s discussion of the mechanics of bringing DHS authorized psychotherapists under the regulation of the Joint Board. Mr. Hale and Mr. Zimmerman addressed the Board and provided comments regarding the status of its proposal to create a certification under its purview for DHS authorized psychotherapists. In terms of the time sensitivity of this initiative, Mr. Hale and Mr. Zimmerman spoke to the importance of preparedness, in terms of setting forth requirements and application materials, and making information available in advance of the sunset date of the issuance of Dan Crossman/Mark Hale letters. The DHS representatives advised the Board of upswings in the number of individuals applying for the Dan Crossman/Mark Hale letter as well as what they perceived as the reason for this increase, and emphasizing the need to maintain access to qualified treatment providers within the state.

The Board noted that although the issuance of this letter will sunset in 2012, those individuals that hold the Dan Crossman/Mark Hale letter will still be able to practice psychotherapy in DHS certified clinics with this authorization. Arlie Albrecht reported to the Board regarding the Marriage and Family Therapy Section’s discussion of challenges in bringing letter holders under the regulation of the Joint Board and review of an issue paper in support of this initiative drafted by Ann Marie Starr and George Kamps.

The Board reviewed and discussed the issue paper drafted by Ann Marie Starr and George Kamps. The review of this position led the Board to discussion of requirements and challenges it faces in seeing this project to fruition. The Board revisited its inability to cross-reference a list of DHS authorized psychotherapists against a databank of the credential holders under its purview because of a lack of unique identifiers. During discussion Mark Hale indicated that through the recertification currently being conducted by DHS, Sarah Coyle may be able to obtain the unique identifying information needed to calculate the prospective number of letter holders that may pursue the certification. The Board requested if DHS finds that they are able to provide the unique identifying information that they provide a list to the Board by its July meeting.

The Board discussed how to move forward in bringing letter holders under the Joint Board’s regulation. The Board and its appearing guests discussed the possibility of a collaborative effort between the Joint Board and the DHS to draft and distributing a mass notification to state clinic directors. The need to obtain statutory authority in order to pursue this venture was highlighted by Colleen Baird. Discussion and review of the legislative process ensued.

MOTION: Eric Alvin moved, seconded by Nicholas Smiar, that the MPSW Joint Board establish a subcommittee consisting of a member of each section to work with the Department in development of proposed legislation to address the issue of regulation of DHS letter holders. The Board requests a report at its July meeting. Motion carried unanimously.

Leslie Mirkin, Chair, appointed the chair of each of the sections to serve on this subcommittee. The Board made the determination that, utilizing the recommendations and the issue paper draft relating to the proposed certification, the subcommittee will consider legislative concepts and pursuit, identify potential issues, outline the parameters of the certification and pursue the support of the Department. Leslie Mirkin will contact the chairs from each section to convene the first meeting of this group.

Dan Zimmerman noted that a webinar will be conducted next Tuesday by Centers for Medicare and Medicaid Services (CMS). He informed the Board that he participated on a panel regarding a provision within the affordable care act for a study dealing with psychometric testing and psychotherapy notes as defined by HIPPA. He explained that the webinar is a follow-up measure in determining if the definition of psychotherapy should include psychometric testing and the need for greater protection in the release of information. Dan Zimmerman will e-mail information about this webinar to Colleen Baird so that she can distribute this information to the members of the Board.

Review of Issue Paper Drafted by Board

The Board reviewed the issue paper draft by Ann Marie Starr and George Kamps. This review was conducted during the discussion outlined above.

SUPERVISION OF MARRIAGE & FAMILY THERAPY, PROFESSIONAL COUNSELING OR CLINICAL SOCIAL WORK BY A SUPERVISOR FROM A DIFFERENT PROFESSION

The Board deferred discussion of this topic to a future meeting.

CONTINUING EDUCATION AUDITS FOR SOCIAL WORKERS, PROFESSIONAL COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

Amanda Barbian, Office of Education and Examinations, reported to the Board regarding the Department's intention to audit Joint Board professionals for the 2009-2011 biennium. She explained the audit process and informed the Board that she will be contacting section liaisons as questions arise.

SUPERVISORY GUIDELINES AND DISPARITY OF SUPERVISOR REGULATIONS ACROSS REGULATIONS OF THE 3 PROFESSIONS OF THE MPSW JOINT BOARD

The subcommittee addressing the DHS letter holder issue will also consider the topic of supervision. This agenda item will carry forward to a future meeting.

MPSW JOINT BOARD PLANNING ON BOARD GOALS FOR 2011

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**
2. **Create Supervisory Guidelines and Address Disparity of Supervisor Regulations Across Regulations of the 3 Professions of the MPSW Joint Board.**
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 reviewed the 2010 Board goals in making future determinations regarding goals it may wish to set for 2011. No discussion or action was required from the Board.

REPORT OF MARRIAGE & FAMILY THERAPY SECTION

Arlie Albrecht reported that the Marriage and Family Therapy Section met yesterday and that there was substantial discussion by the Section about bringing DHS authorized psychotherapists under Joint Board regulation and the draft issue paper. He indicated that the Section also participated in discussion of allowing cross-professional supervision. Arlie Albrecht added that the Section considered how to best acknowledge Jeff Scanlan's contributions, discussed whether it is possible that he could be appointed as Bureau Director by the new administration, and agreed to draft letters in support his reappointment.

REPORT OF PROFESSIONAL COUNSELOR SECTION

Leslie Mirkin provided a report of the Professional Counselor Section to Board. He noted that as the Section does not meet until after the conclusion of today's Joint Board meeting he has nothing to report other than to address his favorable experience at the American Association of State Counseling Boards (AASCB) Annual meeting.

REPORT OF SOCIAL WORKER SECTION

George Kamps indicated that in the interest of time, and as the Section does not meet until tomorrow, he will delay the Social Worker Section's report until the next meeting.

PUBLIC COMMENTS

Jeni Frazer, NASW Intern, thanked the Board for letting her observe today's meeting.

ADJOURNMENT

MOTION: Eric Alvin moved, seconded by George Kamps, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 12:10 p.m.