



**Scott Walker, Governor**  
**Laura Gutiérrez, Secretary**

**BEHAVIORAL HEALTH REVIEW COMMITTEE**  
**Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison**  
**Contact: Erin Karow (608) 266-2112**  
**September 24, 2018**

*Notice: The following agenda describes the issues that the Committee 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 actions and deliberation of the Committee.*

**9:00 A.M.**

**AGENDA**

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

- A. Adoption of the Agenda (1)**
- B. Administrative Matters – Discussion and Consideration**
  - 1) Welcome and Introductions
  - 2) Committee Members
    - a. Holly Audley
    - b. Dafna Berman
    - c. Katherine Dreschler
    - d. Barbara Johnson-Giese
    - e. Dorothy McCollum
  - 3) Department Updates
- C. Public Comments**
- D. Legislation and Rule Review – Discussion and Consideration (2-3)**
  - 1) Subchapter III of ch. 440, Wis. Stats. **(4-5)**
  - 2) 440.03(14), Wis. Stats. and chs. SPS 140-142, Wis. Admin. Code **(6-12)**
  - 3) 440.88, Wis. Stats. and chs. SPS 160-162, and 165, Wis. Admin. Code **(13-20)**
  - 4) Ch. 455, Wis. Stats. and ch. Psy 2 and 3, Wis. Admin. Code **(21-27)**
  - 5) Ch. 457, Wis. Stats. and chs. MPSW 1-5, and 10-17, Wis. Admin. Code **(28-55)**
- E. Information Item(s)**

**ADJOURNMENT**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <p style="text-align: center;">6 September 2018</p> 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:  <b>Behavior Health Review Committee</b>			
4) Meeting Date:  24 September 2018	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Scope of Committee  <b>Legislation and Rule Review – Discussion and Consideration</b> <ol style="list-style-type: none"> <li>1. Subchapter III of ch. 440, Stats Relating to Behavior Analysts</li> <li>2. 440.03(14), Wis. Stats. and chs. SPS 140-142, Wis. Admin. Code</li> <li>3. 440.88, Stats and chs. SPS 160-162, and 165</li> <li>4. Ch. 455, Stats and chs. Psy 2 and 3</li> <li>5. Ch. 457, Stats and chs. MPSW 1-5, and 10-17</li> </ol>	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<p style="font-size: 1.2em; font-family: cursive;"><i>Sharon Henes</i></p>			
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.			

that he or she has completed only if a complaint is made against the credential holder.

**(2m)** (a) In this subsection, “controlled substance” has the meaning given in s. 961.01 (4).

(b) The medical examining board, the podiatry affiliated credentialing board, the board of nursing, the dentistry examining board, or the optometry examining board may issue guidelines regarding best practices in prescribing controlled substances for persons credentialed by that board who are authorized to prescribe controlled substances.

(c) 1. The medical examining board, the podiatry affiliated credentialing board, the board of nursing, the dentistry examining board, and the optometry examining board shall, by November 1, 2018, and annually thereafter, submit a report to the persons specified in subd. 2. that does all of the following:

a. Details proactive efforts taken by the board to address the issue of opioid abuse. The board shall specify whether the board has required, or otherwise encouraged, continuing education related to prescribing controlled substances for persons credentialed by that board who are authorized to prescribe controlled substances.

b. Sets goals for addressing the issue of opioid abuse, as that issue pertains to or implicates the practices of the professions regulated by the board.

c. Describes the actions taken by the board so that the goals described in subd. 1. b. that were identified in the board’s previous reports under this paragraph can be achieved, whether those goals have been achieved, and, if the goals have not been achieved, the reasons therefor.

2. A report under subd. 1. shall be submitted to all of the following:

a. Any committee, task force, or other body or person designated by the governor.

b. To the appropriate standing committees of the legislature with jurisdiction over health issues under s. 13.172 (3).

**History:** 1977 c. 418 ss. 25, 793, 929 (41); 1979 c. 32 s. 92 (1); 1979 c. 34; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 107; 1997 a. 27, 191, 237; 2015 a. 269; 2017 a. 59, 262.

#### 440.04 Duties of the secretary. The secretary shall:

**(1)** Centralize, at the capital and in such district offices as the operations of the department and the attached examining boards and affiliated credentialing boards require, the routine housekeeping functions required by the department, the examining boards and the affiliated credentialing boards.

**(2)** Provide the bookkeeping, payroll, accounting and personnel advisory services required by the department and the legal services, except for representation in court proceedings and the preparation of formal legal opinions, required by the attached examining boards and affiliated credentialing boards.

**(3)** Control the allocation, disbursement, and budgeting of the funds received by the examining boards and affiliated credentialing boards in connection with their credentialing and regulation, including the reimbursement of board members for actual and necessary expenses, including travel expenses, incurred in the performance of their duties.

**(4)** Employ, assign and reassign such staff as are required by the department and the attached examining boards and affiliated credentialing boards in the performance of their functions.

**(5)** With the advice of the examining boards or affiliated credentialing boards:

(a) Provide the department with such supplies, equipment, office space and meeting facilities as are required for the efficient operation of the department.

(b) Make all arrangements for meetings, hearings and examinations.

(c) Provide such other services as the examining boards or affiliated credentialing boards request.

**(6)** Appoint outside the classified service an administrator for any division established in the department and a director for any bureau established in the department as authorized in s. 230.08 (2). The secretary may assign any bureau director appointed in accordance with this subsection to serve concurrently as a bureau director and a division administrator.

**(7)** Unless otherwise specified in chs. 440 to 480, provide examination development, administration, research and evaluation services as required.

**History:** 1977 c. 418 s. 26; 1979 c. 34; 1981 c. 20; 1985 a. 29; 1987 a. 27; 1989 a. 316; 1991 a. 39; 1993 a. 102, 107; 1995 a. 333; 2003 a. 270; 2011 a. 32; 2017 a. 329.

**440.042 Advisory committees.** **(1)** The secretary may appoint persons or advisory committees to advise the department and the boards, examining boards, and affiliated credentialing boards in the department on matters relating to the regulation of credential holders. A person or an advisory committee member appointed under this subsection shall serve without compensation, but may be reimbursed for his or her actual and necessary expenses incurred in the performance of his or her duties.

**(2)** Any person who in good faith testifies before the department or any examining board, affiliated credentialing board or board in the department or otherwise provides the department or any examining board, affiliated credentialing board or board in the department with advice or information on a matter relating to the regulation of a person holding a credential is immune from civil liability for his or her acts or omissions in testifying or otherwise providing such advice or information. The good faith of any person specified in this subsection shall be presumed in any civil action and an allegation that such a person has not acted in good faith must be proven by clear and convincing evidence.

**History:** 1993 a. 16 ss. 3269, 3299; 1993 a. 107; 1997 a. 156; 1999 a. 32; 2005 a. 292; 2015 a. 192.

**440.043 Behavioral health review committee.** **(1)** The secretary shall appoint an advisory committee under s. 440.042 to provide advice concerning behavioral health. The advisory committee shall semiannually conduct a review of the requirements for obtaining a credential under s. 440.88 or ch. 457 or for other credentials related to behavioral health.

**(2)** The advisory committee shall accept comments from the public related to its review under sub. (1). Before conducting a review under sub. (1), the department shall publish a class 1 notice under ch. 985 and shall publish notice on its Internet site announcing the opportunity for public comment.

**(3)** The advisory committee established under sub. (1) may propose changes in statutes and rules to the department; the marriage and family therapy, professional counseling, and social work examining board; or other appropriate credentialing board.

**History:** 2017 a. 262.

**440.045 Disputes.** Any dispute between an examining board or an affiliated credentialing board and the secretary shall be arbitrated by the governor or the governor’s designee after consultation with the disputants.

**History:** 1977 c. 418 s. 27; 1979 c. 34; 1993 a. 107.

The relationship between the department, cosmetology examining board, and governor is discussed. 70 Atty. Gen. 172.

**440.05 Standard fees.** Subject to s. 440.052, the following standard fees apply to all initial credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2) (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):

**NOTE:** Section 440.05 (intro.) is amended eff. 12–16–19 by 2017 Wis. Act 319, section 3, to read:

**NOTE:** Subject to s. 440.052, the following standard fees apply to all initial credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2) (c) 2., 449.17 (1m) (d), and 449.18 (2) (d):

**(1)** (a) Initial credential: An amount determined by the department under s. 440.03 (9) (a). Each applicant for an initial credential shall pay the initial credential fee to the department when the application materials for the initial credential are submitted to the department, except that no fee is required under this

(b) The renewal dates for permits issued under this subsection are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

(c) A private security permit issued under this subsection authorizes the holder of the permit to engage in private security activities described in sub. (5) (c) for an employer described in sub. (5) (c) anywhere in this state.

(d) The department shall maintain a record pertaining to each applicant for a permit under this subsection and each holder of a permit issued under this subsection. The record shall include all information received by the department that is relevant to the approval or denial of the application, the issuance of the permit and any limitations, suspensions or revocations of the permit.

**(5r) TEMPORARY PRIVATE SECURITY PERMIT.** (a) The department shall issue a temporary private security permit to an individual at the request of the individual if all of the following apply:

1. The individual has completed an application and provided information required under sub. (5m) (a).

2. The department is not yet able to grant or deny the individual's application because a background check of the individual is not complete.

(b) 1. Except as provided in subd. 2., an individual who has been issued a temporary private security permit under par. (a) may act as a private security person in the same manner as an individual issued a private security permit under sub. (5m).

2. An individual may not carry a dangerous weapon while acting as a private security person under a temporary private security permit issued under par. (a).

(c) 1. Except as provided in subd. 2., a temporary private security permit issued under par. (a) is valid for 30 days.

2. A temporary private security permit issued under par. (a) shall expire on the date that the individual receives written notice from the department that a background check of the individual has been completed and that the department is granting or denying the individual's application for a private security permit, if that date occurs before the end of the period specified in subd. 1.

3. A temporary private security permit issued under par. (a) may not be renewed.

**(6) DISCIPLINE.** (a) Subject to the rules adopted under s. 440.03 (1), the department may reprimand the holder of a license or permit issued under this section or revoke, suspend or limit the license or permit of any person who has done any of the following:

1. Been convicted of a misdemeanor or found to have violated any state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and 111.335.

2. Engaged in conduct reflecting adversely on his or her professional qualification.

3. Made a false statement in connection with any application for a license or permit under this section.

4. Violated this section or any rule promulgated or order issued under this section.

5. Failed to maintain a bond or liability policy as required under sub. (4).

(b) Subject to the rules promulgated under s. 440.03 (1), the department shall revoke the license or permit of any person who has been convicted of a felony in this state or elsewhere and who has not been pardoned for that felony.

**(8) PENALTIES.** Any person, acting as a private detective, investigator or private security person, or who employs any person who solicits, advertises or performs services in this state as a private detective or private security person, or investigator or special investigator, without having procured the license or permit required by this section, may be fined not less than \$100 nor more than \$500 or imprisoned not less than 3 months nor more than 6 months or both. Any agency having an employee, owner, officer

or agent convicted of the above offense may have its agency license revoked or suspended by the department. Any person convicted of the above offense shall be ineligible for a license for one year.

**History:** 1971 c. 213 s. 5; 1977 c. 29, 125, 418; 1979 c. 102 ss. 45, 236 (3); 1981 c. 334 s. 25 (1); 1981 c. 380, 391; 1983 a. 189 s. 329 (31); 1983 a. 273; 1985 a. 128, 135; 1991 a. 39, 269; 1993 a. 112, 213; 1995 a. 461; 1997 a. 27; 1999 a. 32; 2007 a. 20; 2011 a. 35, 146; 2017 a. 364 s. 49; s. 13.92 (1) (bm) 2; s. 35.17 correction in (1m).

**Cross-reference:** See s. 134.57 for requirement that all settlements made with an employee or fiduciary agent, where the detective is to be paid a percentage of the amount recovered, must be submitted to the circuit court for approval.

**Cross-reference:** See also chs. SPS 30, 31, 32, 33, 34, and 35, Wis. adm. code. Police officers working as private security persons are subject to the same licensing provisions in this section as are non-police officers. 69 Atty. Gen. 226.

This section does not apply to qualified arson experts or other expert witnesses merely because they may investigate matters relating to their field of expertise. 76 Atty. Gen. 35.

## SUBCHAPTER III

### BEHAVIOR ANALYSTS

**440.310 Definitions.** In this subchapter:

**(1)** “Behavior analyst” means a person who is certified by the Behavior Analyst Certification Board, Inc., as a board-certified behavior analyst and has been granted a license under this subchapter to engage in the practice of behavior analysis.

**(2)** “Practice of behavior analysis” means the design, implementation, and evaluation of systematic instructional and environmental modifications to produce socially significant improvements in human behavior, including the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, including interventions based on scientific research and the direct observation and measurement of behavior and environment. “Practice of behavior analysis” does not include psychological testing, neuropsychology, psychotherapy, cognitive therapy, sex therapy, marriage counseling, psychoanalysis, hypnotherapy, and long-term counseling as treatment modalities.

**History:** 2009 a. 282.

**440.311 Use of title; penalty.** **(1)** No person may use the title “behavior analyst” or represent or imply that he or she is a behavior analyst unless the person is licensed under this subchapter. This section may not be construed to restrict the practice of behavior analysis by a licensed professional who is not a behavior analyst, if the services performed are within the scope of the professional's practice and are performed commensurate with the professional's training and experience, and the professional does not represent that he or she is a behavior analyst.

**(2)** Any person who violates sub. (1) may be fined not more than \$250, imprisoned not more than 3 months in the county jail, or both.

**History:** 2009 a. 282.

**440.312 Licensure.** **(1)** Except as provided in sub. (2), the department shall grant a license as a behavior analyst to a person under this subchapter if all of the following apply:

(a) The person submits an application to the department on a form provided by the department.

(b) The person pays the initial credential fee determined by the department under s. 440.03 (9) (a).

(c) The person submits evidence satisfactory to the department that the person is a behavior analyst certified by the Behavior Analyst Certification Board, Inc., or its successor organization.

**(2)** The department may not grant a license under this subchapter to any person who has been convicted of an offense under s. 940.22, 940.225, 940.302 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.081, 948.09, 948.095, 948.10, 948.11, or 948.12.

**History:** 2009 a. 282; 2013 a. 362; 2017 a. 128.

**440.313 Renewal.** (1) The renewal date for licenses granted under this subchapter is specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

(2) A behavior analyst shall, at the time that he or she applies for renewal of a license under sub. (1), submit proof satisfactory to the department that he or she is, at the time he or she applies for renewal, certified by the Behavior Analyst Certification Board, Inc., or its successor organization.

History: 2009 a. 282.

**440.314 Rules.** (1) The department may promulgate rules necessary to administer this subchapter, including rules of conduct by behavior analysts and by holders of temporary permits under sub. (2). Except as provided in subs. (2) and (3), any rules regarding the practice of behavior analysis shall be consistent with standards established by the Behavior Analyst Certification Board, Inc., or its successor organization.

(2) The department may promulgate rules authorizing the department to issue a temporary permit to a person who is certified by the Behavior Analyst Certification Board, Inc., or its successor organization authorizing the practice of behavior analysis by the person under the supervision of a behavior analyst licensed under s. 440.312 (1).

(3) The rules may not do any of the following:

(a) Require an applicant for a license under this subchapter to have education in addition to the education required by the Behavior Analyst Certification Board, Inc., or its successor organization.

(b) Require a behavior analyst to practice behavior analysis under the supervision of, or in collaboration with, another health care provider.

(c) Require a behavior analyst to enter into an agreement, written or otherwise, with another health care provider.

(d) Limit the location where a behavior analyst may practice behavior analysis.

History: 2009 a. 282; 2011 a. 260 ss. 55, 80.

**440.315 Informed consent.** A behavior analyst shall, at an initial consultation with a client, provide a copy of the rules promulgated by the department under this subchapter and shall disclose to the client orally and in writing all of the following:

(1) A summary of the behavior analyst's experience and training.

(2) Any other information required by the department by rule.

History: 2009 a. 282.

**440.316 Disciplinary proceedings and actions.**

(1) Subject to the rules promulgated under s. 440.03 (1), the department may conduct investigations and hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the department may reprimand a behavior analyst or deny, limit, suspend, or revoke a license granted under this subchapter if the department finds that the applicant or the behavior analyst has done any of the following:

(a) Intentionally made a material misstatement in an application for a license or for renewal of a license.

(b) Subject to ss. 111.321, 111.322, and 111.34, practiced behavior analysis while his or her ability to engage in the practice was impaired by alcohol or other drugs.

(c) Advertised in a manner that is false or misleading.

(d) In the course of the practice of behavior analysis, made a substantial misrepresentation that was relied upon by a client.

(e) In the course of the practice of behavior analysis, engaged in conduct that evidences an inability to apply the principles or skills of behavior analysis.

(f) Obtained or attempted to obtain compensation through fraud or deceit.

(g) Allowed another person to use a license granted under this subchapter.

(h) Violated any law of this state or federal law that substantially relates to the practice of behavior analysis, violated this subchapter, or violated any rule promulgated under this subchapter.

(i) Engaged in unprofessional conduct.

(3) Subject to the rules promulgated under s. 440.03 (1), the department shall revoke a license granted under this subchapter if the behavior analyst is convicted of any of the offenses specified in s. 440.312 (2).

History: 2009 a. 282; 2015 a. 197 s. 51.

**440.317 Advisory committee.** The department may appoint an advisory committee under s. 440.042 to advise the department on matters relating to the regulation of behavior analysts.

History: 2009 a. 282.

## SUBCHAPTER IV

### TRANSPORTATION NETWORK COMPANIES

**440.40 Definitions.** In this subchapter:

(1) "Digital network" means any Internet site or online-enabled application, software, or system that permits the prearrangement of transportation network services.

(2) "Licensed company" means a transportation network company that is licensed under s. 440.415.

(3) "Participating driver" means an individual who does all of the following:

(a) Pays a fee to a transportation network company to be connected to a passenger for the purpose of engaging in transportation network services.

(b) Uses a personal vehicle to engage in transportation network services for compensation.

(4) "Passenger" means an individual who uses a transportation network company's digital network to connect to a participating driver for transportation network services, and, unless the context requires otherwise, includes all other persons in that individual's party who accompany that individual in the participating driver's personal vehicle in connection with those transportation network services.

(5) "Personal vehicle" means a motor vehicle that satisfies all of the following conditions:

(a) A participating driver owns, leases, or is otherwise authorized to use the motor vehicle.

(b) The motor vehicle is not a taxicab, limousine, shuttle, or other for-hire vehicle or a commercial motor vehicle, as defined in 49 CFR 390.5.

(6) "Transportation network company" means a business that, for compensation, uses a digital network to connect passengers to participating drivers for the purpose of providing transportation network services to those passengers. "Transportation network company" does not include a taxicab, limousine, shuttle, or other for-hire vehicle service.

(7) "Transportation network services" means transportation provided to a passenger in the participating driver's personal vehicle. A participating driver is considered to be engaged in transportation network services beginning when the participating driver accepts a passenger's request for transportation received through a transportation network company's digital network, con-

- 66d. Sanitarian.
- 67. Social worker.
- 68. Social worker, advanced practice.
- 69. Social worker, independent.
- 70. Social worker, independent clinical.
- 71. Speech–language pathologist.

75. Any other profession or occupation specified by law that is regulated by the department or a credentialing board.

(bm) 1. Upon request by a credentialing board or other board in the department, the department shall conduct an investigation to determine whether an individual seeking a determination by that board under s. 111.335 (4) (f) has an arrest or conviction record. In conducting an investigation under this subdivision, the department may require an individual to provide any information that is necessary for the investigation.

2. Upon application seeking a determination by the department under s. 111.335 (4) (f), the department shall conduct an investigation to determine whether the individual has an arrest or conviction record. In conducting an investigation under this subdivision, the department may require an individual to provide any information that is necessary for the investigation.

(c) The department shall require an applicant for a private detective license or a private security permit under s. 440.26, an applicant for a juvenile martial arts instructor permit under sub. (17), an applicant for a real estate appraiser certification under s. 458.06 or license under s. 458.08, and a person for whom the department conducts an investigation under par. (b), to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards, and the department of justice shall submit the fingerprint cards of all applicants for a real estate appraiser certification under s. 458.06 or license under s. 458.08, to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

(d) The department shall charge an applicant, including an applicant seeking a determination under s. 111.335 (4) (f), any fees, costs, or other expenses incurred in conducting any investigation under this subsection or s. 440.26. The department shall charge an applicant seeking licensure through the interstate medical licensure compact under s. 448.980, directly or indirectly, for any expenses incurred in conducting any investigation under s. 448.980 (5) (b) 3.

(14) (a) 1. The department shall grant a certificate of registration as a music therapist to a person if all of the following apply:

a. The person is certified, registered or accredited as a music therapist by the Certification Board for Music Therapists, National Music Therapy Registry, American Music Therapy Association or by another national organization that certifies, registers or accredits music therapists.

b. The organization that certified, registered or accredited the person under subd. 1. a. is approved by the department.

c. The person pays the initial credential fee determined by the department under s. 440.03 (9) (a) and files with the department evidence satisfactory to the department that he or she is certified, registered or accredited as required under subd. 1. a.

2. The department shall grant a certificate of registration as an art therapist to a person if all of the following apply:

a. The person is certified, registered or accredited as an art therapist by the Art Therapy Credentials Board or by another national organization that certifies, registers or accredits art therapists.

b. The organization that certified, registered or accredited the person under subd. 2. a. is approved by the department.

c. The person pays the initial credential fee determined by the department under s. 440.03 (9) (a) and files with the department evidence satisfactory to the department that he or she is certified, registered or accredited as required under subd. 2. a.

3. The department shall grant a certificate of registration as a dance therapist to a person if all of the following apply:

a. The person is certified, registered or accredited as a dance therapist by the American Dance Therapy Association or by another national organization that certifies, registers or accredits dance therapists.

b. The organization that certified, registered or accredited the person under subd. 3. a. is approved by the department.

c. The person pays the initial credential fee determined by the department under s. 440.03 (9) (a) and files with the department evidence satisfactory to the department that he or she is certified, registered or accredited as required under subd. 3. a.

(am) The department may promulgate rules that establish requirements for granting a license to practice psychotherapy to a person who is registered under par. (a). Rules promulgated under this paragraph shall establish requirements for obtaining such a license that are comparable to the requirements for obtaining a clinical social worker, marriage and family therapist, or professional counselor license under ch. 457. If the department promulgates rules under this paragraph, the department shall grant a license under this paragraph to a person registered under par. (a) who pays the initial credential fee determined by the department under s. 440.03 (9) (a) and provides evidence satisfactory to the department that he or she satisfies the requirements established in the rules.

(b) A person who is registered under par. (a) shall notify the department in writing within 30 days if an organization specified in par. (a) 1. a., 2. a. or 3. a. revokes the person's certification, registration, or accreditation specified in par. (a) 1. a., 2. a., or 3. a. The department shall revoke a certificate of registration granted under par. (a) if such an organization revokes such a certification, registration, or accreditation. If the department revokes the certificate of registration of a person who also holds a license granted under the rules promulgated under par. (am), the department shall also revoke the license.

(c) The renewal dates for certificates granted under par. (a) and licenses granted under par. (am) are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the department that the person's certification, registration, or accreditation specified in par. (a) 1. a., 2. a., or 3. a. has not been revoked.

(d) The department shall promulgate rules that specify the services within the scope of practice of music, art, or dance therapy that a person who is registered under par. (a) is qualified to perform. The rules may not allow a person registered under par. (a) to perform psychotherapy unless the person is granted a license under the rules promulgated under par. (am).

**Cross-reference:** See also chs. SPS 140, 141, and 142, Wis. adm. code.

(e) Subject to the rules promulgated under sub. (1), the department may make investigations and conduct hearings to determine whether a violation of this subsection or any rule promulgated under par. (d) has occurred and may reprimand a person who is registered under par. (a) or holds a license granted under the rules promulgated under par. (am) or may deny, limit, suspend, or revoke a certificate of registration granted under par. (a) or a license granted under the rules promulgated under par. (am) if the department finds that the applicant or certificate or license holder has violated this subsection or any rule promulgated under par. (d).

(f) A person who is registered under par. (a) or holds a license granted under the rules promulgated under par. (am) who violates this subsection or any rule promulgated under par. (d) may be fined not more than \$200 or imprisoned for not more than 6 months or both.

(15) The department shall promulgate rules that establish the fees specified in ss. 440.05 (10) and 440.08 (2) (d).

(17) (a) In this subsection:

## Chapter SPS 140

### AUTHORITY, PURPOSE AND DEFINITIONS

SPS 140.01 Authority.

SPS 140.02 Definitions.

**Note:** Chapter RL 140 was created as an emergency rule effective December 1, 1998. Chapter RL 140 was renumbered chapter SPS 140 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 140.01 Authority.** The rules in chs. SPS 140 to 142 are adopted by the department pursuant to ss. 227.11 (2) and 440.03 (14) (am) and (d), Stats., to govern the registration of music, art and dance therapists and the issuance of licenses to practice psychotherapy to registrants.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: am. Register July 2003 No. 571, eff. 8-1-03; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 140.02 Definitions.** As used in chs. SPS 140 to 142, unless the context otherwise requires:

(1) “ADTR” means the Academy of Dance Therapists Registered, as well as a member of the Academy of Dance Therapists Registered.

(2) “ATR” means art therapist registered.

(3) “Art therapy” means the specialized, professional and psychotherapeutic use of art media, images, the creative art process, and client responses to the created art productions as reflections of an individual’s development, abilities, personality, interests, concerns, and conflicts. “Art therapy” is based on knowledge of human development and theories which are implemented in the full spectrum of models of assessment and treatment including educational, cognitive, transpersonal, and other therapeutic means of reconciling emotional conflicts, fostering self-awareness, developing social skills, managing behavior, solving problems, reducing anxiety, aiding reality orientation, and increasing self-esteem. Art therapists serve individuals, couples, families and groups. “Art therapy” may include the use of elements of other art forms.

(4) “ATR-BC” means art therapist registered-board certified.

(5) “DTR” means dance therapist registered.

(6) “Dance therapy” means the specialized, professional and psychotherapeutic use of movement and dance. This is a process

which furthers the emotional, cognitive, social and physical integration of the individual. It uses psychotherapeutic models for assessment and intervention and is practiced in a wide variety of settings. “Dance therapy” may be appropriate for groups and individuals of all ages and conditions of need. “Dance therapy” may include the use of elements of other art forms.

(7) “Department” means the department of safety and professional services.

(8) “License to practice psychotherapy” or “psychotherapy license” means a credential issued by the department to a registrant that authorizes the registrant to practice psychotherapy within the registrant’s competence, education, training and experience.

(9) “Licensee” means a person registered as a music therapist who is granted a license to practice psychotherapy (MTRL), a person registered as an art therapist who is granted a license to practice psychotherapy (ATRL), or a person registered as a dance therapist who is granted a license to practice psychotherapy (DTRL), as provided by s. 440.03 (14) (am), Stats.

(10) “Music therapy” means the specialized, professional, therapeutic use of music in the service to individuals with needs in mental health, physical health, habilitation, rehabilitation, special education, self-care or personal growth. The purpose of music therapy is to assist and empower individuals to attain or maintain their maximum level of functioning and highest quality of life. “Music therapy” may include the use of elements of other art forms.

(11) “Psychotherapy” has the meaning specified in s. 457.01 (8m), Stats.

(13) “Registrant” means a person who is granted a registration as a music therapist (WMTR), an art therapist (WATR), or a dance therapist (WDTR) by the department.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: renum. (1) to be (3), (2) to be (6), (3) to be (7) and (4) to be (10), renum. (5) to be (13) and am., cr. (1), (2), (4), (5), (8), (9) and (11), Register July 2003 No. 571, eff. 8-1-03; correction in (intro.), (7) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

## Chapter SPS 141

### APPLICATION

SPS 141.01 Application for registration.  
 SPS 141.02 Renewal of registration.  
 SPS 141.03 Accommodations relating to a disability.  
 SPS 141.04 Application for license to practice psychotherapy.

SPS 141.05 Renewal of registration with psychotherapy license.  
 SPS 141.06 Application for license to practice psychotherapy by reciprocity.  
 SPS 141.07 Licensure for persons registered before January 1, 2003.

**Note:** Chapter RL 141 was created as an emergency rule effective December 1, 1998. Chapter RL 141 was renumbered chapter SPS 141 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 141.01 Application for registration.** An individual applying for registration as a music, art or dance therapist shall submit all of the following to the department:

(1) An application on a form provided by the department.

**Note:** Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

(2) The fee required under s. 440.05 (1), Stats.

(3) Information necessary for the department to determine all of the following:

(a) Whether the applicant has been convicted of, or at the time of application charged with, a crime or a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license.

(b) Whether the circumstances of any pending charge or conviction are substantially related to the duties of practice under the registration as described in ss. 111.321, 111.322 and 111.335, Stats.

(4) Written verification transmitted directly to the department by the appropriate organization stating that the applicant:

(a) If applying for registration as a music therapist, is certified, registered or accredited as a music therapist by the certification board for music therapists, national music therapy registry, American music therapy association or by another national organization that certifies, registers or accredits music therapists.

(b) If applying for registration as an art therapist, is certified, registered or accredited as an art therapist by the art therapy credentials board or by another national organization that certifies, registers or accredits art therapists.

(c) If applying for registration as a dance therapist, is certified, registered or accredited as a dance therapist by the American dance therapy association or by another national organization that certifies, registers or accredits dance therapists.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: r. and recr. (3) Register July 2003 No. 571, eff. 8-1-03.

**SPS 141.02 Renewal of registration.** (1) Registrations for music, art and dance therapists expire on October 1 of each odd-numbered year. In order to renew a registration the registrant shall submit on or before the renewal date all of the following to the department:

(a) A renewal application on a form provided by the department.

(b) The renewal fee required under s. 440.08 (2) (a), Stats.

(c) A signed statement contained on the renewal application verifying that the certification, registration or accreditation as a music, art or dance therapist, as appropriate, granted to him or her by the appropriate organization identified under s. SPS 141.01 (4), has not been revoked.

(2) A registrant who fails to renew his or her registration by the renewal date may renew the registration by satisfying the

requirements under sub. (1) and paying the late renewal fee required under s. 440.08 (3), Stats.

(3) A registrant who pays the fee required to renew his or her license to practice psychotherapy as a music, art or dance therapist shall not pay a separate fee for renewal of the registration.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: am (1) (c), cr. (3) Register July 2003 No. 571, eff. 8-1-03; correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 141.03 Accommodations relating to a disability.** A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for registration or renewal of a registration as a music, art or dance therapist.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

**SPS 141.04 Application for license to practice psychotherapy.** (1) Every registrant who applies for a license to practice psychotherapy shall submit all of the following to the department:

(a) An application on a form provided by the department.

**Note:** Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

(b) The fee required under s. 440.05 (1), Stats.

(c) Information necessary for the department to determine all of the following:

1. Whether the applicant has been convicted of, or at the time of application charged with, a crime or a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license.

2. Whether the circumstances of any pending charge or conviction are substantially related to the duties of practice under the registration as required by ss. 111.321, 111.322 and 111.335, Stats.

(2) Every registrant who applies for a license to practice psychotherapy shall pass an examination on the Wisconsin statutes and rules that relate to the profession.

(3) If the applicant is a registered music therapist under s. 440.03 (14) (a) 1., Stats., the applicant shall do all of the following:

(a) Provide proof that the applicant holds a master's or doctorate degree in music therapy from a program approved by the American Music Therapy Association, or a master's or doctorate degree in a related field recognized and accepted by the American Music Therapy Association and the Certification Board for Music Therapists.

(b) Submit proof in the form of affidavits signed by the applicant and the applicant's supervisor that the applicant has completed 3,000 hours of music therapy practiced as psychotherapy, supervised by a person licensed to practice psychotherapy, designated the primary supervisor, and that the primary supervisor met with the applicant an average of one hour per week during the supervised practice period. If the primary supervisor is not a registered music therapist, the applicant must receive supervision from a registered music therapist as a secondary supervisor for at least 1,500 hours. The supervision by primary and secondary supervisors may occur simultaneously. If the supervision



by the primary supervisor occurred prior to November 1, 2002, the primary supervisor must have been qualified and authorized to practice psychotherapy at the time.

(c) Pass the examination required for certification by the Certification Board for Music Therapists, or hold registry from the National Music Therapy Registry.

(4) If the applicant is a registered art therapist under s. 440.03 (14) (a) 2., Stats., the applicant shall do all of the following:

(a) Provide proof that the applicant holds a master's or doctorate degree in art therapy from a program accredited or approved by the American Art Therapy Association, or a program recognized as equivalent by the Art Therapy Credentials Board.

(b) Submit proof in the form of affidavits signed by the applicant and the applicant's supervisor that the applicant has completed 3,000 hours of art therapy practiced as psychotherapy, supervised by a person licensed to practice psychotherapy, designated the primary supervisor, and that the primary supervisor met with the applicant an average of one hour per week during the supervised practice period. If the primary supervisor is not a registered art therapist, the applicant must receive supervision from a registered art therapist as a secondary supervisor for at least 1,500 hours. The supervision by primary and secondary supervisors may occur simultaneously. If the supervision by the primary supervisor occurred prior to November 1, 2002, the primary supervisor must have been qualified and authorized to practice psychotherapy at the time.

(c) Pass the examination required for certification by the Art Therapy Credentials Board.

(5) If the applicant is a registered dance therapist under s. 440.03 (14) (a) 3., Stats., the applicant shall do all of the following:

(a) Provide proof that the applicant holds a master's or doctorate degree in dance therapy or dance/movement therapy approved by the American Dance Therapy Association, or has fulfilled the requirements of a program recognized by the American Dance Therapy Association as equivalent to a master's or doctorate degree in dance therapy or dance/movement therapy.

(b) Submit proof in the form of affidavits signed by the applicant and the applicant's supervisor that the applicant has completed 3,000 hours of dance therapy practiced as psychotherapy, supervised by a person licensed to practice psychotherapy, designated the primary supervisor, and that the primary supervisor met with the applicant an average of one hour per week during the supervised practice period. If the primary supervisor is not an ADTR, the applicant must receive supervision from an ADTR as a secondary supervisor for at least 1,500 hours. The supervision by the primary and secondary supervisors may occur simultaneously. If the supervision by the primary supervisor occurred prior to November 1, 2002, the primary supervisor must have [been] qualified and authorized to practice psychotherapy at the time.

(c) Pass the National Board for Certified Counselors examination or other certification examination approved by the American Dance Therapy Association.

**History:** CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03.

**SPS 141.05 Renewal of registration with psychotherapy license.** (1) Registrations for registered music therapists with psychotherapy license, registered art therapists with psychotherapy license, and registered dance therapists with psychotherapy license expire on October 1 of each odd-numbered year. In order to renew a registration, the registrant shall submit all of the following to the department on or before the renewal date:

(a) A renewal application on a form provided by the department.

**Note:** Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

(b) The renewal fee for registered music, art or dance therapist with psychotherapy license required under s. 440.08 (2) (a), Stats.

(c) A signed statement contained on the renewal application verifying that the certification, registration or accreditation as a music, art or dance therapist, as appropriate, granted by the appropriate organization identified under s. SPS 141.01 (4), has not been revoked.

(2) A registrant who fails to renew the registration with license to practice psychotherapy by the renewal date may renew the registration with license to practice psychotherapy by satisfying the requirements under sub. (1) and paying the late renewal fee required under s. 440.08 (3), Stats.

**History:** CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03; correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 141.06 Application for license to practice psychotherapy by reciprocity.** An applicant who holds a license to practice psychotherapy in the practice of music, art or dance therapy in another state shall be granted licensure by reciprocity if the department determines that the requirements for licensure in the other state are substantially equivalent to the requirements in s. SPS 141.04, and if the applicant does all of the following:

(1) Completes an application on a form provided by the department and registers as a music, art or dance therapist under s. 440.03 (14) (a) 1., 2. or 3., Stats.

**Note:** Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

(2) Pays the fee required under s. 440.05 (1), Stats.

(3) Provides all information necessary for the department to determine the following:

(a) Whether the applicant has been convicted of, or at the time of application charged with, a crime or a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license.

(b) Whether the circumstances of any pending charge or conviction are substantially related to the duties of practice under the registration as required by ss. 111.321, 111.322 and 111.335, Stats.

(4) Passes an examination on the Wisconsin statutes and rules that relate to the profession.

**History:** CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 141.07 Licensure for persons registered before January 1, 2003.** (1) If an individual was registered as a music therapist under s. 440.03 (14) (a) 1. a., Stats., prior to January 1, 2003, the registrant shall be granted a license to practice psychotherapy if the registrant applies before July 1, 2003, satisfies the requirements in s. SPS 141.04 (1) and (2), and submits proof of all of the following:

(a) The registrant holds a master's or doctorate degree in music therapy from a program approved by the American Music Therapy Association, or a master's or doctorate degree in a related field recognized and accepted by the American Music Therapy Association and the Certification Board for Music Therapists.

(b) The registrant has engaged in at least 3,000 hours of the supervised practice of psychotherapy, either in a certified outpatient mental health clinic or in another supervised setting, supervised by a person qualified and authorized to practice psychotherapy at the time, which may be documented by a provider status letter from the bureau of quality assurance of the department of health services.

(2) If an individual was registered as an art therapist under s. 440.03 (14) (a) 2., Stats., prior to January 1, 2003:

(a) The registrant shall be granted a license to practice psychotherapy if the registrant applies before July 1, 2003, satisfies the requirements in s. SPS 141.04 (1) and (2) and submits proof of all of the following:

1. The individual is an ATR-BC.
2. The individual has engaged in at least 3,000 hours of the supervised practice of psychotherapy, either in a certified outpatient mental health clinic or in another supervised setting, supervised by a person qualified and authorized to practice psychotherapy at the time, which may be documented by a provider status letter from the bureau of quality assurance of the department of health services.

(b) The individual shall be granted a license to practice psychotherapy if the individual applies before July 1, 2003, satisfies the requirements in s. SPS 141.04 (1) and (2) and submits proof of all of the following:

1. The individual is an ATR.
2. The individual engaged in at least 3,000 hours of the supervised practice of psychotherapy, either in a certified outpatient mental health clinic or in another supervised setting, supervised by a person qualified and authorized to practice psychotherapy at the time, which may be documented by a provider status letter from the bureau of quality assurance of the department of health services.
3. Prior to January 1, 2003, he or she has passed either the National Counselor examination, the Certified Rehabilitation Counselor examination, the Association of Marital and Family Therapy Regulatory Boards examination, or the Association of Social Work Boards clinical social worker examination.

(c) The individual shall be granted a license to practice psychotherapy that may be renewed only once if the individual applies before July 1, 2003, satisfies the requirements in s. SPS 141.04 (1) and (2) and submits proof of all of the following:

1. The individual is a registered ADTR.
2. The individual has engaged in at least 3,000 hours of the supervised practice of psychotherapy, either in a certified outpatient mental health clinic or in another supervised setting, supervised by a person qualified and authorized to practice psychotherapy at the time.

(3) A registrant granted a once-renewable license under sub. (2) (c), may be granted a license to practice psychotherapy if prior to the expiration of the once-renewable license, he or she submits proof that he or she is an ATR-BC, or that he or she has passed either the National Counselor examination, the Certified Rehabilitation Counselor examination, the Association of Marital and Family Therapy Regulatory Boards examination, or the Association of Social Work Boards clinical social worker examination.

(4) If an individual was registered as a dance therapist under s. 440.03 (14) (a) 3., Stats., prior to January 1, 2003, the individual:

(a) Shall be granted a license to practice psychotherapy if the individual applies before July 1, 2003, satisfies the requirements in s. SPS 141.04 (1) and (2) and submits proof that the individual is registered as an ADTR.

(b) Shall be granted a license to practice psychotherapy that may be renewed only once if the individual applies before July 1, 2003, satisfies the requirements in s. SPS 141.04 (1) and (2) and submits proof that the individual is registered as a DTR.

(5) A registrant granted a once-renewable license under sub. (4) (b), may be granted a license to practice psychotherapy if prior to the expiration of the once-renewable license, he or she submits proof that he or she is registered as an ADTR.

**History:** CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03; correction in (1) (intro.), (b), (2) (a) (intro.), 2., (b) (intro.), 2., (c) (intro.), (4) (a), (b) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671.

## Chapter SPS 142

### SCOPE OF PRACTICE

SPS 142.01	Music therapy.
SPS 142.02	Art therapy.
SPS 142.03	Dance therapy.
SPS 142.04	General procedures.

SPS 142.05	Prohibited practices.
SPS 142.06	Required reporting.
SPS 142.07	Professional liability insurance.

**Note:** Chapter RL 142 was created as an emergency rule effective December 1, 1998. **Chapter RL 142 was renumbered chapter SPS 142 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.**

**SPS 142.01 Music therapy.** Music therapy practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(1) **OBJECTIVES.** Music therapy is the specialized use of music and the materials of music to restore, maintain, and improve the following areas of functioning:

- (a) Cognitive.
- (b) Psychological.
- (c) Social or emotional.
- (d) Affective.
- (e) Physical.
- (f) Sensory or sensorimotor.
- (g) Motor.
- (h) Communicative.
- (i) Physiological functioning.

(2) **TECHNIQUES.** Techniques used in the practice of music therapy include, but are not limited to, the following:

- (a) The use of music to provide participatory individual and group experiences.
- (b) Musical improvisation.
- (c) Therapeutic development of verbal skills and nonverbal behavior.
- (d) Receptive music learning.
- (e) Lyric discussions.
- (f) Memory recall.
- (g) Music and imagery.
- (h) Self-expression through composition and song writing.
- (i) Socialization and enhancement of self-esteem through music performance.
- (j) Relaxation to music, including stress and pain management.
- (k) Learning through music.
- (L) Cultural and spiritual expression.
- (m) Development of fine and gross motor skills through responses to rhythm.
- (n) Respiratory and speech improvements through sound production.
- (o) Sensory integration and stimulation.
- (p) Increased awareness of music for development of recreation and leisure interests.
- (q) Interactive verbal techniques to help facilitate, elicit or summarize the above techniques and build the therapeutic relationship.

(3) **SCOPE OF PRACTICE.** Any music therapist who has attained registration pursuant to s. SPS 141.01 and who limits his or her

practice to the specific techniques in sub. (2) shall be deemed not to be practicing psychotherapy.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: r. and recr. Register July 2003 No. 571, eff. 8-1-03; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 142.02 Art therapy.** Art therapy practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(1) **OBJECTIVES.** Art therapy alleviates distress and reduces physical, emotional, behavioral, and social impairment while supporting and promoting positive development through the use of art media.

(2) **TECHNIQUE.** The practice of art therapy includes, but is not limited to, the use of art media to assess, treat and rehabilitate patients with mental, emotional, physical, or developmental disorders.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

**SPS 142.03 Dance therapy.** Dance therapy practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(1) **OBJECTIVES.** The goal of dance therapy includes, but is not limited to, the therapeutic use of dance and movement in order to enhance and promote psychological growth, contribute to assessment information, and aid creative, cognitive, emotional and motor development.

(2) **TECHNIQUES.** The practice of dance therapy includes, but is not limited to, the use of movement, nonverbal, and verbal modalities.

**Note:** Dance therapy is also known as dance/movement therapy.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: am. (1), Register July 2003 No. 571, eff. 8-1-03.

**SPS 142.04 General procedures.** In the delivery of music, art and dance therapy services, registrants shall follow general procedures that include all of the following:

- (1) Referral and acceptance.
- (2) Assessment.
- (3) Development of treatment plans.
- (4) Therapeutic intervention and treatment.
- (5) Documentation.
- (6) Termination of services.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99.

**SPS 142.05 Prohibited practices.** In the practice of music, art and dance therapy, prohibited practices include, but are not limited to, the following:

(1) Practicing beyond the scope of practice of music, art or dance therapy as provided in this chapter.

(2) Failing to practice music, art or dance therapy within the scope of the registrant's competence, education, training or experience.

(3) Knowingly permitting any professional staff to provide music, art or dance therapy that exceeds that person's competence, education, training or experience.

(4) Failing when indicated to refer a client to a health care practitioner for treatment beyond the qualifications or scope of practice of the music, art or dance therapist.

(5) Misrepresenting the scope of practice of music, art or dance therapy to a client or to the public.

(6) Misrepresenting qualifications, education, credentials or professional affiliations to a client or to the public.

(7) Failing to inform a client, or the client's authorized representative, about contraindications of music, art or dance therapy.

(8) Providing music, art or dance therapy when benefits cannot reasonably be expected.

(9) Guaranteeing the results of services offered, except that reasonable statements relating to prognosis and progress may be made.

(10) Failing to inform a client, or the client's authorized representative, of the purpose, nature and effects of assessment and treatment.

(11) Failing to avoid dual relationships, sexual misconduct and relationships with clients that may impair one's objectivity or create a conflict of interest. Dual relationships include, but are not limited to, treating employees, supervisees, students, friends or relatives.

(12) Using an individual in research or as the subject of a teaching demonstration without obtaining the individual's informed consent.

(13) Failing to assign credit to an individual who contributed to clinical services, publications, or presentations in proportion to the individual's contribution.

(14) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of music, art or dance therapy.

(15) Advertising in a manner which is false, deceptive or misleading.

(16) Subject to ss. 111.321, 111.322 and 111.34, Stats., practicing music, art or dance therapy while the registrant's ability to practice is impaired by a mental or physical disorder, alcohol or drugs.

(17) Subject to ss. 111.321, 111.322 and 111.335, Stats., being convicted of an offense the circumstances of which substantially relate to the practice of music, art or dance therapy.

(18) Failing to maintain the confidentiality of all client information, unless consent is given by the client or disclosure is required by law or court order.

(19) Knowingly placing false information in a client's records.

(20) Failing to provide appropriate access to client records when requested by the department or its representative.

(21) Knowingly providing false information to the department.

(22) Knowingly making a material misstatement on an application for registration or for renewal of a registration.

(23) Violating any rule adopted by the department relating to the practice of music, art or dance therapy.

(24) Violating any term, provision or condition of any order issued by the department relating to the practice of music, art or dance therapy.

(25) After a request by the department, failing to cooperate in a timely manner with the department's investigation of complaints filed against the applicant or registrant. There is a rebuttable presumption that a registrant or applicant who takes longer than 30 days to respond to a request made by the department has not acted in a timely manner under this paragraph.

(26) Practicing psychotherapy, unless the registrant has been granted a license to practice psychotherapy.

**History:** Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: cr. (26) Register July 2003 No. 571, eff. 8-1-03.

**SPS 142.06 Required reporting.** Any person registered as a music therapist, art therapist, dance therapist, registered music therapist with psychotherapy license, registered art therapist with psychotherapy license, or registered dance therapist with psychotherapy license shall notify the department in writing within 30 days if an organization specified in s. 440.03 (14) (a) 1. a., 2. a., or 3. a., Stats., revokes the registrant's certification, registration or accreditation. Upon receiving a verified report of the revocation, the department shall revoke any registration, certificate of registration, or registration with psychotherapy license issued to the person.

**History:** CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03.

**SPS 142.07 Professional liability insurance.**

(1) Except as provided in sub. (2), a person registered as a music, art or dance therapist with a license to practice psychotherapy may not practice psychotherapy unless the person has in effect professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing psychotherapy as an employee of a federal, state or local governmental agency, if the practice is part of the duties for which the person is employed and is solely within the confines of or under the jurisdiction of the agency by which the person is employed.

**History:** CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03.

(f) Violated this subchapter or a rule promulgated under this subchapter.

**History:** 2005 a. 31.

**440.86 Penalties.** (1) Any person who violates this subchapter or a rule promulgated under this subchapter may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

(2) In addition to or in lieu of the penalties under sub. (1) and the remedies under s. 440.85 (2), any person who violates this subchapter or a rule promulgated under this subchapter may be required to forfeit not more than \$1,000 for each violation. Each day of continued violation constitutes a separate violation.

**History:** 2005 a. 31.

**440.87 Exceptions.** This subchapter does not apply to a person who is performing his or her duties as an officer of a public institution, medical school, medical college, county medical society, anatomical association, or accredited college of embalming, or to a person acting in accordance with a statute prescribing the conditions under which donated or indigent dead human bodies are held subject for anatomical study, or to a person who is acting according to the burial customs or rites of a religious sect to which the person belongs or subscribes.

**History:** 2005 a. 31.

## SUBCHAPTER VIII

### SUBSTANCE ABUSE COUNSELORS, CLINICAL SUPERVISORS, AND PREVENTION SPECIALISTS

**440.88 Substance abuse counselors, clinical supervisors, and prevention specialists.** (1) **DEFINITIONS.** In this subchapter:

(a) “Clinical supervisor” means a clinical supervisor–in–training, an intermediate clinical supervisor, or an independent clinical supervisor.

(am) “Prevention specialist” means a prevention specialist–in–training or a prevention specialist.

(b) “Substance abuse counselor” means a substance abuse counselor–in–training, a substance abuse counselor, or a clinical substance abuse counselor.

(2) **CERTIFICATION.** Except as provided in sub. (3m) and s. 440.12 or 440.13, the department shall certify as a substance abuse counselor, a clinical supervisor, or a prevention specialist any individual who satisfies the applicable conditions in sub. (3) and who has presented evidence satisfactory to the department that applicable certification standards and qualification of the department, as established by rule, have been met.

(3) **CERTIFICATION; STANDARDS AND QUALIFICATIONS.** (a) Subject to pars. (b) and (c) and except as provided in sub. (3m), the department shall promulgate rules that establish minimum standards and qualifications for the certification of all of the following, including substance abuse counselors and clinical supervisors, as defined by the department of health services by rule:

1. Substance abuse counselors–in–training.
2. Substance abuse counselors.
3. Clinical substance abuse counselors.
- 4m. Clinical supervisors–in–training.
5. Intermediate clinical supervisors.
6. Independent clinical supervisors.
7. Prevention specialists–in–training.
8. Prevention specialists.

(b) Rules promulgated under par. (a) shall include standards based on demonstrated requisite competency, knowledge, skills, and attitudes of professional practice that are culturally competent and evidence–based.

(c) Before the department may promulgate rules under par. (a), the department shall appoint a certification review committee under s. 227.13 and shall consult with the certification review committee on the proposed rules.

(3m) **EXCEPTION.** This section does not apply to a physician, as defined in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), a licensed psychologist, as defined in s. 455.01 (4), a marriage and family therapist, as defined in s. 457.01 (3), or a professional counselor, as defined in s. 457.01 (7), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(4) **APPLICATIONS; CERTIFICATION PERIOD.** An application for certification as a substance abuse counselor, clinical supervisor, or prevention specialist under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the initial credential fee determined by the department under s. 440.03 (9) (a). The renewal date for certification as a substance abuse counselor, clinical supervisor, or prevention specialist is specified under s. 440.08 (2) (a) and the renewal fee for such certifications is determined by the department under s. 440.03 (9) (a). Renewal of certification as a substance abuse counselor–in–training, a clinical supervisor–in–training, or a prevention specialist–in–training may be made only twice.

(5) **CERTIFICATION REQUIRED.** Except as provided in sub. (3m) and s. 257.03, no person may represent himself or herself to the public as a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist unless he or she is so certified under sub. (2).

(6) **REVOCATION, DENIAL, SUSPENSION, OR LIMITATION OF CERTIFICATION.** The department may, after a hearing held in conformity with ch. 227, revoke, deny, suspend, or limit under this subchapter the certification of any substance abuse counselor, clinical supervisor, or prevention specialist or reprimand the substance abuse counselor, clinical supervisor, or prevention specialist, for practice of fraud or deceit in obtaining the certification or any unprofessional conduct, incompetence, or professional negligence.

(7) **RECIPROCAL CERTIFICATION.** The department shall, upon application and payment of the required fee, issue certification as a substance abuse counselor, clinical supervisor, or prevention specialist to an individual who holds a similar unexpired certification issued to the individual by another state for which the requirements for certification are of a standard that is not lower than that specified in this subchapter.

(8) **CERTIFICATION OTHER THAN BY DEPARTMENT PROHIBITED.** No entity other than the department may certify substance abuse counselors, clinical supervisors, or prevention specialists.

(9) **CONTINUING EDUCATION.** The department may do all of the following:

(a) Establish the minimum number of hours of continuing education required for renewal of certification under this section and the topic areas that the continuing education must cover.

(b) Require continuing education as part of any disciplinary process for an individual.

(10) **CONTINUING EDUCATION COURSE APPROVAL.** The department shall establish the criteria for the approval of continuing education programs and courses required for renewal of certification of a substance abuse counselor, clinical supervisor, or prevention specialist and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses. The department shall approve continuing education programs and courses in accordance with the criteria established under this subsection.

**(11) SCOPE OF PRACTICE.** The department shall promulgate rules establishing minimum standards for the practice of substance abuse counseling, supervision, and prevention.

**History:** 2005 a. 25; 2005 a. 96 s. 4m; 2005 a. 254 s. 37; 2005 a. 407; 2007 a. 20, 99; 2009 a. 42; 2017 a. 262; 2017 a. 364 s. 49.

**Cross-reference:** See also chs. SPS 160, 161, 162, 163, 164, 165, 166, 167, and 168, Wis. adm. code.

## SUBCHAPTER IX

### CEMETERY AUTHORITIES, SALESPERSONS AND PRENEED SELLERS

**440.90 Definitions.** In this subchapter:

- (1b)** “Board” means the cemetery board.
- (1c)** “Business day” has the meaning given in s. 421.301 (6).
- (2)** “Cemetery authority” has the meaning given in s. 157.061 (2).
- (3)** “Cemetery services and merchandise” has the meaning given in s. 157.061 (3).
- (4)** “Human remains” has the meaning given in s. 157.061 (8).
- (4m)** “Licensed cemetery authority” means a cemetery authority that is licensed under s. 440.91 (1).
- (4r)** “Licensee” means a person licensed under this subchapter.
- (5)** “Mausoleum” has the meaning given in s. 157.061 (9).
- (6)** “Mausoleum space” has the meaning given in s. 157.061 (10).
- (6m)** “Payment of principal” has the meaning given in s. 157.061 (11r).
- (7)** “Preneed sales contract” has the meaning given in s. 157.061 (12).
- (8)** “Preneed seller” means an individual who sells or solicits the sale of cemetery services and merchandise or an undeveloped space under a preneed sales contract or, if such an individual is employed by or acting as an agent for a cemetery authority or any other person, the cemetery authority or other person.
- (9)** “Preneed trust fund” has the meaning given in s. 157.061 (13).
- (10)** “Public mausoleum” has the meaning given in s. 157.061 (14).
- (11)** “Sale” has the meaning given in s. 157.061 (16).
- (12)** “Undeveloped space” has the meaning given in s. 157.061 (17).
- (13)** “Warehouse” means a place of storage for cemetery merchandise sold under a preneed sales contract.
- (14)** “Wholesale cost ratio” means the actual cost to a preneed seller to supply and deliver cemetery services and merchandise or to construct an undeveloped space divided by the price paid by the purchaser, excluding sales tax, finance or interest charges, administrative fees, and insurance premiums.

**History:** 1989 a. 307; 2005 a. 25; 2015 a. 237; 2017 a. 365 s. 110.

**440.905 General duties and powers of board. (1)** In addition to the other duties and powers of the board under this subchapter, the board shall advise the secretary of safety and professional services on matters relating to cemeteries, to this chapter, or to the board.

**(2)** The board has rule-making authority and may promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers. The board may determine, by rule, a fee under s. 440.05 (1) (a) and under s. 440.08 (2) (a) 21. that is sufficient to fund the board’s operating costs.

**History:** 2005 a. 25; 2011 a. 32.

**Cross-reference:** See also ch. CB 1, Wis. adm. code.

**440.91 Cemetery authorities and cemetery salespersons. (1)** (a) Any cemetery authority that operates a cemetery

that has \$50,000 or more in trust fund accounts for a cemetery shall apply to the board for a license for that cemetery. A cemetery authority that operates more than one cemetery shall apply for a separate license for each cemetery that has \$50,000 or more in trust fund accounts.

(b) The board shall grant a license to a cemetery authority if all of the following are satisfied:

1. The cemetery authority submits an application for the license to the board on a form provided by the board. The application shall require the cemetery authority to provide the names of the officers of the cemetery authority and to identify a business representative who is primarily responsible for the cemetery authority’s compliance with subch. II of ch. 157 and this subchapter.

2. The cemetery authority pays the initial credential fee determined by the department under s. 440.03 (9) (a).

(c) The renewal dates for licenses granted under par. (b) are specified in s. 440.08 (2) (a) and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a).

**(1m)** (a) Except as provided in sub. (6m), any cemetery authority that has less than \$50,000 in trust fund accounts for a cemetery shall register with the board. A cemetery authority that operates more than one cemetery shall submit a separate registration to the board for each cemetery that has less than \$50,000 in trust fund accounts.

(b) The board shall register a cemetery authority if all of the following are satisfied:

1. The cemetery authority submits an application for registration to the board on a form provided by the board. The application shall require the cemetery authority to provide the names and addresses of the officers of the cemetery authority and to identify a business representative who is primarily responsible for the cemetery authority’s compliance with subch. II of ch. 157 and this subchapter.

2. The cemetery authority pays a \$10 fee to the board.

(c) The renewal date and renewal fee for a registration granted under par. (b) are specified in s. 440.08 (2).

**(2)** Except as provided in sub. (10), every individual who sells or solicits the sale of, or that expects to sell or solicit the sale of, 20 or more cemetery lots or mausoleum spaces per year during 2 consecutive calendar years shall be licensed by the board. An individual may not be licensed as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the initial credential fee determined by the department under s. 440.03 (9) (a). The cemetery authority shall certify in writing to the board that the individual is competent to act as a cemetery salesperson. An applicant for licensure as a cemetery salesperson shall furnish to the board, in such form as the board prescribes, all of the following information:

(a) The name and address of the applicant.

(b) Educational qualifications.

(c) Prior occupations.

(d) Any other information which the board may reasonably require to enable it to determine the competency of the salesperson to transact the business of a cemetery salesperson in a manner which safeguards the interest of the public.

**(3)** Any cemetery salesperson may transfer to the employment of a cemetery authority, other than the cemetery authority that certified the salesperson under sub. (2), by filing a transfer form with the board and paying the transfer fee specified in s. 440.05 (7).

**(4)** Renewal applications shall be submitted to the board on a form provided by the board on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a).

## Chapter SPS 160

### APPLICABILITY AND DEFINITIONS

SPS 160.01 Authority.  
SPS 160.015 Applicability.

SPS 160.02 Definitions.  
SPS 160.03 Use of title.

**Note:** Chapter RL 160 was created as an emergency rule effective 9–10–07. Chapter RL 160 was renumbered chapter SPS 160 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 160.01 Authority.** Chapters SPS 160 to 168 are adopted pursuant to s. 227.11 (2), Stats., and subch. VIII of ch. 440, Stats.

**History:** CR 07–031: cr. Register November 2007 No. 623, eff. 12–1–07; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 14–059: am. Register May 2015 No. 713, eff. 6–1–15.

**SPS 160.015 Applicability. (1)** Except as provided in sub. (2), no person may represent himself or herself to the public as a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist or use in connection with his or her name a title or description that conveys the impression that he or she is a substance abuse counselor, clinical supervisor, or prevention specialist or a certified substance abuse counselor, clinical supervisor, or prevention specialist unless he or she is so certified under s. 440.88, Stats.

**(2)** Chapters SPS 160 to 168 do not apply to any of the following:

(a) A physician, as defined in s. 448.01 (5), Stats., who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(b) A clinical social worker, as defined in s. 457.01 (1r), Stats., who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(c) A licensed psychologist, as defined in s. 455.01 (4), Stats., who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(d) A marriage and family therapist, as defined in s. 457.01 (3), or a professional counselor, as defined in s. 457.01 (7), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her licensure.

(e) The preparation of a patient for substance use disorder treatment by referral, the treatment of a patient for substance use disorder until a referral for substance use disorder treatment is completed, and the continuation of treatment with the nonsubstance use disorder issues of a person, when performed by a mental health provider practicing within the scope of his or her credential.

**History:** 2017 Wis. Act 262: cr. Register April 2018 No. 748, eff. 5–1–18.

**SPS 160.02 Definitions.** In chs. SPS 160 to 168:

**(1)** “Accredited” means accredited by an accrediting agency recognized by the U.S. Department of Education.

**(2)** “Assessment” means the process and procedures by which a counselor or service identifies and evaluates an individual’s strengths, weaknesses, problems and needs in order to develop a treatment plan for the individual.

**(2m)** “Assessment training” means education on the comprehensive process of collecting pertinent data about patients or patient systems and their environment, and appraising the data as

a basis for making decisions regarding substance use disorder diagnosis and treatment or referral. The education shall consist of culturally inclusive studies in understanding addiction, psychopharmacology, recognition and differentiation of co-occurring medical and psychological disorders, clinical evaluation, and treatment planning.

**(3)** “Behavioral science field” means any of the following:

(a) Health science.

(b) Psychology.

(c) Sociology.

(d) Criminal justice.

(e) Social work.

(f) A field approved by the department.

(g) Marriage and family therapy, as defined in s. 457.01 (5), Stats.

(h) Professional counseling, as defined in s. 457.01 (6), Stats.

**(3m)** “Case management” means education on culturally appropriate administrative, clinical, and evaluative activities included in the process of coordinating and prioritizing patient treatment goals and working with the patient and significant others, as well as other services, agencies, and resources to achieve those treatment goals. The education shall include studies in implementing treatment plans including continuing assessment, the referral process, service coordination, including for co-occurring medical and psychological disorders, record management and documentation, and utilizing the written client record to guide and monitor services to reach measurable goals and objectives.

**(4)** “CEH” means continuing education hour.

**(5)** “Clinical substance abuse counselor” means an individual who holds a clinical substance abuse counselor certificate granted by the department.

**(6)** “Clinical supervision” means a specific and definitive process of oversight of a counselor’s professional development in the didactic, experiential and application of the transdisciplinary foundations, and practice dimensions including core functions. Supervision takes place in intermittent in person contact between a clinical supervisor and a counselor provided on or off the site of a service to ensure that each patient has an individualized treatment plan and is receiving quality care. A primary purpose of “clinical supervision” is to ensure quality patient care.

**(7)** “Clinical supervisor” means an individual who holds a clinical supervisor-in-training certificate, an intermediate clinical supervisor certificate or an independent clinical supervisor certificate granted by the department.

**(8)** “Clinical supervisor-in-training” means an individual who holds a clinical supervisor-in-training certificate granted by the department.

**(10m)** “Counseling training” means education that includes the study of fundamental theories, principles, and techniques of substance use disorder counseling to facilitate the progress of diverse patients toward mutually determined treatment goals and objectives using culturally sensitive modalities. Counseling education shall include studies of understanding addiction, recognized treatment theory and practice, the recovery process, effective strategies for meeting the counseling needs of diverse

patients, crisis management skills, and awareness of co-occurring medical and psychological disorders.

(11) “Credential” means a certificate or license granted by the department.

(12) “Department” means the department of safety and professional services.

(13) “DSM” means the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(15) “Hour” for purposes of the educational requirement means a period of education consisting of no less than 50 minutes.

(17) “Independent clinical supervisor” means an individual who holds an independent clinical supervisor certificate granted by the department.

(18) “Intermediate clinical supervisor” means an individual who holds an intermediate clinical supervisor certificate granted by the department.

(19) “Patient” means an individual who has completed the screening, placement and intake process and is receiving substance use disorder treatment services.

(19m) “Patient education” means education about the process of providing patients, groups, families, couples, significant others, and communities with information on risks related to substance use, the processes of dependence including signs, symptoms, and behavior patterns, and available resources for prevention, treatment, and recovery in culturally relevant ways. The education shall include studies in understanding addiction including addiction to nicotine, the classification and basic pharmacology of drugs, basic physiology and the effects of drug use on the human body and patient, learning styles and teaching methods, delivery of educational programs, health and behavior problems related to substance use including transmission of HIV/AIDS, tuberculosis, sexually transmitted infections, and other infectious diseases, and basic life skills such as stress management, communication, and assertiveness.

(20) “Practice dimensions” means the 8 counselor practice dimensions used to effectively treat substance use disorders. They are:

- (a) Clinical evaluation.
- (b) Treatment planning.
- (c) Referral.
- (d) Service coordination.
- (e) Counseling.
- (f) Patient, family and community education.
- (g) Documentation.
- (h) Professional and ethical responsibilities.

(21) “Prevention” means a pro-active process of promoting supportive institutions, neighborhoods and communities that foster an environment conducive to the health and well being of individuals and families. Prevention may be targeted to specific populations or the larger community by any of the following:

- (a) Promoting knowledge, attitudes, skills, values and relationships conducive to the health and well being of individuals and families.
- (b) Promoting personal competence, significance and empowerment.

(c) Promoting responsibility, judgment, communication and conflict resolution.

(d) Promoting cultural competency and sensitivity to differences.

(e) Promoting community-wide asset building initiatives.

(f) Promoting healthy support systems in families, schools, workplaces and communities.

(g) Promoting healthy lifestyles and resistance to physical and psychological illness or psychological injury.

(h) Involving citizens in creating cultural changes related to health and wellness.

(i) Counteracting harmful circumstances such as substance use, health and safety hazards, isolation, violence, economic hardship and inadequate housing, childcare, transportation, education or social services.

(23) “Prevention specialist” means an individual who holds a prevention specialist certificate granted by the department.

(24) “Prevention specialist-in-training” means an individual who holds a prevention specialist-in-training certificate granted by the department.

(24m) “Professional responsibility” means education that addresses standards of conduct or professional behavior expectations for counselors, supervisors, and prevention workers. Professional behavior areas to be studied shall include, at a minimum, legal issues specific to substance use disorder professional practice, patient welfare as a primary concern, responsibility for professional competence and professional development, participation in ongoing supervision and consultation, counselor values and self-care, relationships with other professionals and institutions, and the establishment of limits and boundaries in the patient relationship. This education shall also address the impact of specific cultural, ethnic, and racial influences and expectations.

(25) “Substance” means a psychoactive agent or chemical which principally affects the central nervous system and alters mood or behavior.

(26) “Substance abuse counselor” means an individual who holds a substance abuse counselor certificate granted by the department.

(27) “Substance abuse counselor-in-training” means an individual who holds a substance abuse counselor-in-training certificate granted by the department.

(28) “Substance use disorder” means the existence of a diagnosis of “substance use disorder” listed in the most current edition of DSM.

**History:** CR 07-031: cr. Register November 2007 No. 623, eff. 12-1-07; correction in (intro.), (9), (12) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671; 2017 Wis. Act 262: cr. (2m), (3) (g), (h), (3m), am. (6), r. (9), (10), cr. (10m), r. (14), (16), cr. (19m), r. (22), cr. (24m), am. (28), r. (29) Register April 2018 No. 748, eff. 5-1-18.

**SPS 160.03 Use of title.** Except as consistent with s. SPS 160.015 (2), a person may use the title “addiction counselor,” “substance abuse counselor,” “alcohol and drug counselor,” “substance use disorder counselor” or “chemical dependency counselor” only if he or she is certified as a substance abuse counselor, or as a clinical substance abuse counselor under s. 440.88, Stats.

**History:** CR 07-031: cr. Register November 2007 No. 623, eff. 12-1-07; 2017 Wis. Act 262: am. Register April 2018 No. 748, eff. 5-1-18.



## Chapter SPS 161

### REQUIREMENTS FOR CERTIFICATION

SPS 161.01	Substance abuse counselor-in-training application.
SPS 161.02	Substance abuse counselor application.
SPS 161.03	Clinical substance abuse counselor application.
SPS 161.04	Clinical supervisor-in-training application.
SPS 161.05	Intermediate clinical supervisor or independent clinical supervisor application.

SPS 161.06	Prevention specialist-in-training application.
SPS 161.07	Prevention specialist application.
SPS 161.08	Reciprocity.

**Note:** Chapter SPS 161 was repealed and recreated by 2017 Wis. Act 262 effective 5-1-18, Register April 2018 No. 748.

**SPS 161.01 Substance abuse counselor-in-training application.** An applicant for certification as a substance abuse counselor-in-training shall submit all of the following:

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) Evidence of successful passage of the jurisprudence examination.
- (4) Evidence of completion of 100 hours of substance use disorder specialized education through a postsecondary institution, department-approved continuing education, or department-approved education program. The 100 hours shall be in all of the following:
  - (a) Fifteen hours in assessment training.
  - (b) Fifteen hours in counseling training.
  - (c) Ten hours in case management.
  - (d) Fifteen hours in patient education.
  - (e) Twenty hours in professional responsibility.
  - (f) Twenty-five hours in electives in any of the subjects in pars. (a) to (e).
- (5) Evidence of current employment, a written offer of employment, internship, practicum, or an agreement authorizing volunteer hours at an agency providing substance use disorder treatment.
- (6) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance abuse counseling.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 161.02 Substance abuse counselor application.** An applicant for certification as a substance abuse counselor shall submit all of the following:

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) Evidence of successful passage of the jurisprudence examination unless the applicant has previously passed the examination in the process of obtaining a substance abuse counselor-in-training credential.
- (4) Evidence of completion of 360 hours of substance use disorder specialized education through a postsecondary institution or a department-approved education program. The 360 hours shall be in all of the following:
  - (a) Sixty hours in assessment training.
  - (b) Sixty hours in counseling training.
  - (c) Sixty hours in case management.
  - (d) Sixty hours in patient education.
  - (e) Sixty hours in professional responsibility.

- (f) Six hours in boundaries and ethics.
- (g) Fifty-four hours in electives in any of the subjects in pars. (a) to (f).

(5) Evidence of successful passage of the National Association for Alcoholism and Drug Abuse Counselors' NCAC I exam.

(6) Evidence of completion of 3,000 hours of work experience performing the practice dimensions supervised by an individual under ch. SPS 162 within the 5 years immediately preceding the date of application. The 3,000 hours shall include all of the following:

(a) One thousand hours in providing substance use disorder counseling with a minimum of 500 hours in a one-on-one individual modality setting.

(b) Two hundred hours of providing counseling during the 12-month period immediately preceding the date of application of which 100 hours shall have been completed using an individual modality setting.

(7) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance abuse counseling.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 161.03 Clinical substance abuse counselor application.** An applicant for certification as a clinical substance abuse counselor shall submit all of the following:

- (1) An application form.
- (2) A fee as determined by the department under s. 440.05, Stats.
- (3) Evidence of successful passage of the jurisprudence examination unless the applicant has previously passed the examination in the process of obtaining a substance abuse counselor-in-training or substance abuse counselor credential.
- (4) Evidence of one of the following:
  - (a) Holding a substance abuse counselor credential.
  - (b) Completion of 360 hours of substance use disorder specialized education through a postsecondary institution or department-approved education program. The 360 hours shall be in all of the following:
    1. Sixty hours in assessment training.
    2. Sixty hours in counseling training.
    3. Sixty hours in case management.
    4. Sixty hours in patient education.
    5. Sixty hours in professional responsibility.
    6. Six hours in boundaries and ethics.
    7. Fifty-four hours in electives in any of the subjects in subds. 1. to 6.
- (5) Evidence of an associate's degree or higher in a behavioral science field from an accredited university or college.
- (6) Evidence of successful passage of the National Association for Alcoholism and Drug Abuse Counselors' NCAC I exam.

(7) Evidence of completion of 5,000 hours of work experience performing the practice dimensions, supervised by an individual under ch. SPS 162 within the 5 years immediately preceding the date of application. The 5,000 hours may include any work experience hours obtained as a requirement of the substance abuse counselor credential.

(8) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance abuse counseling.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 161.04 Clinical supervisor-in-training application.** An applicant for certification as a clinical supervisor-in-training shall submit all of the following:

(1) An application form.

(2) A fee as determined by the department under s. 440.05, Stats.

(3) Evidence of current employment, a written offer of employment, or an agreement authorizing volunteer hours as a clinical supervisor of counselors providing substance use disorder treatment services who are certified under s. 440.88, Stats., or licensed under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats.

(4) Evidence of one of the following:

(a) Holding an active clinical substance abuse counselor credential.

(b) Holding an active license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats., at the master's level or higher.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 161.05 Intermediate clinical supervisor or independent clinical supervisor application.** An applicant for certification as an intermediate clinical supervisor or independent clinical supervisor shall submit all of the following:

(1) An application form.

(2) A fee as determined by the department under s. 440.05, Stats.

(3) Evidence of holding an active credential of one of the following:

(a) Clinical substance abuse counselor.

(b) A license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats., at the master's level or higher.

(4) Evidence of at least one year of clinical supervisory experience as a supervisor-in-training or intermediate supervisor within the last 5 years as the supervisor of counselors certified under s. 440.88, Stats., or having a license under s. 457.08 (4), 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f), Stats.

(5) Evidence of one of the following:

(a) Holding an intermediate clinical supervisor credential.

(b) Successful completion of 30 hours of education in clinical supervision, including a minimum of 6 hours of training in each of the following:

1. Assessment and evaluation.
2. Counselor development.
3. Management and administration.
4. Professional responsibility.

(c) Holding an American Association for Marriage and Family Therapy supervisor certification.

(6) Evidence of successful passage of the National Association of Alcoholism Counselors and Trainers' NCSE exam.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 161.06 Prevention specialist-in-training application.** An applicant for certification as a prevention specialist-in-training shall submit all of the following:

(1) An application form.

(2) A fee as determined by the department under s. 440.05, Stats.

(3) Evidence of successful completion of 40 hours of approved education, including 5 hours specific to ethics, in the following content areas:

- (a) Planning and evaluation.
- (b) Prevention education and service delivery.
- (c) Communication.
- (d) Community organization.
- (e) Public policy and environmental change.
- (f) Professional growth and responsibility.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 161.07 Prevention specialist application.** An applicant for certification as a prevention specialist shall submit all of the following:

(1) An application form.

(2) A fee as determined by the department under s. 440.05, Stats.

(3) Evidence of successful passage of the jurisprudence examination.

(4) Evidence of successful completion of 120 hours of approved education, including 50 hours specific to alcohol, tobacco, and other substance abuse and 6 hours specific to ethics, in the following content areas:

- (a) Planning and evaluation.
- (b) Prevention education and service delivery.
- (c) Communication.
- (d) Community organization.
- (e) Public policy and environmental change.
- (f) Professional growth and responsibility.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 161.08 Reciprocity.** An applicant holding a current credential in good standing as a substance abuse counselor, clinical supervisor, or prevention specialist or its equivalent in another state or U.S. territory with requirements for the credential that are not lower than specified in this chapter shall submit all of the following:

(1) An application form.

(2) A fee as determined by the department under s. 440.05, Stats.

(3) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the department to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of substance abuse counseling.

(4) For applicants who have had disciplinary or adverse action taken on their substance abuse counselor, clinical supervisor, or prevention specialist credential or its equivalent, all related information necessary for the department to determine whether the circumstances of the disciplinary action or adverse action warrant denial of the application.

(5) Evidence of successful passage of jurisprudence examination.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

## Chapter SPS 162

### SUPERVISED PRACTICE

**SPS 162.01** Required supervision.  
**SPS 162.02** Who may supervise.

**SPS 162.03** Prohibited practice.

**Note:** Chapter RL 162 was created as an emergency rule effective 9-10-07. Chapter RL 162 was renumbered chapter SPS 162 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 162.01 Required supervision. (1)** Clinical supervisors shall exercise supervisory responsibility over substance abuse counselors-in-training, substance abuse counselors, clinical substance abuse counselors, clinical supervisors-in-training and intermediate clinical supervisors in regard to all activities including, but not limited to, counselor development, counselor skill assessment and performance evaluation, staff management and administration, and professional responsibility. A clinical supervisor shall provide a minimum of:

(a) Two hours of clinical supervision for every 40 hours of work performed by a substance abuse counselor-in-training.

(b) Two hours of clinical supervision for every 40 hours of counseling provided by a substance abuse counselor.

(c) One hour of clinical supervision for every 40 hours of counseling provided by a clinical substance abuse counselor.

(d) One in person meeting each calendar month with a substance abuse counselor-in-training, substance abuse counselor or clinical substance abuse counselor. This meeting may fulfill a part of the requirements of pars. (a) to (c).

**(2)** Clinical supervisors shall exercise supervisory responsibility over clinical supervisors-in-training in regard to all activities. A clinical supervisor shall provide a minimum of one hour of clinical supervision for every 40 hours of work performed by a clinical supervisor-in-training.

**(3)** The required clinical supervision shall include in person individual or group sessions consisting of no more than 6 supervisees per group. The clinical supervision hourly requirement may be averaged out over a period no longer than one month.

**(4)** Methods for supervision may include, but are not limited to, auditing of patient files, case review and discussion of active cases, direct observation of treatment, video or audio review and observation of the counselor's professional interaction with patients and staff.

**(5)** The goals of clinical supervision are to provide the opportunity to develop competency in the transdisciplinary foundations, practice dimensions and core functions, provide a context for professional growth and development and ensure a continuum of quality patient care.

**History:** CR 07-031: cr. Register November 2007 No. 623, eff. 12-1-07.

**SPS 162.02 Who may supervise. (1)** Except as provided in subs. (2) and (5), clinical supervision may be provided by

a clinical supervisor-in-training, an intermediate or independent clinical supervisor, a physician knowledgeable in addiction treatment, or a psychologist knowledgeable in psychopharmacology and addiction treatment.

**(2)** Beginning June 1, 2008, a credential holder acquiring supervised experience as a substance abuse counselor-in-training may not practice under the supervision of an individual holding a certificate as a clinical supervisor-in-training.

**(3)** The supervisor shall not permit a supervisee to engage in any practice that the supervisee is not competent to perform. The supervisor shall not permit a supervisee to engage in any practice that the supervisor cannot competently supervise.

**(4)** A supervisor is legally and ethically responsible for the supervised activities of the substance use disorder professional supervisee. Supervisors shall be available or make appropriate provision for emergency consultation and intervention. Supervisors shall 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, and to terminate the supervised relationship, if necessary.

**(5)** Until January 1, 2011, a licensed clinical social worker as defined in s. 457.01 (1r), Stats., who worked as a clinical supervisor as defined in s. DHS 75.02 (11) (a), in a ch. DHS 75 clinic prior to December 1, 2007, may act as a clinical supervisor and provide clinical supervision under chs. SPS 160 to 168.

**History:** CR 07-031: cr. Register November 2007 No. 623, eff. 12-1-07; correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 162.03 Prohibited practice. (1)** A clinical supervisor may not permit students, employees, or supervisees to perform or hold themselves out as competent to perform professional services beyond their training, level of experience, competence or credential.

**(2)** Clinical supervisors may not disclose supervisee confidences, except:

(a) As mandated by law.

(b) To prevent a clear and immediate danger to a person or persons.

(c) In educational or training settings where there are multiple supervisors, and then only to other professional colleagues who share responsibility for training of the supervisee.

**(3)** Beginning June 1, 2008, a clinical supervisor-in-training shall not supervise a credential holder acquiring supervised experience as a substance abuse counselor-in-training.

**History:** CR 07-031: cr. Register November 2007 No. 623, eff. 12-1-07.

## Chapter SPS 165

### RENEWAL AND REINSTATEMENT

SPS 165.01 Late renewal.

SPS 165.02 Reinstatement.

**Note:** Chapter SPS 165 was repealed and recreated by 2017 Wis. Act 262 effective 5-1-18, Register April 2018 No. 748.

**SPS 165.01 Late renewal. (1) GENERAL.** A person with an expired credential under s. 440.88, Stats., may not reapply for a credential using the initial application process.

**(2) RENEWAL WITHIN 5 YEARS.** A person renewing a credential under s. 440.88, Stats., within 5 years after its expiration shall do all of the following:

(a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and any applicable late renewal fee.

(b) Certify the completion of continuing education under ch. SPS 168 during the 2-year period preceding the last renewal date.

**(3) RENEWAL AFTER 5 YEARS.** This subsection does not apply to a credential holder who has unsatisfied disciplinary requirements. A person renewing a credential under s. 440.88, Stats., after 5 years of its expiration shall do all of the following:

(a) Pay the renewal fee as determined by the department under s. 440.03 (9) (a), Stats., and the late renewal fee.

(b) Provide evidence of one of the following:

1. Holding a substantially equivalent credential in another state.

2. Completion of 60 hours of continuing education in the last 2 years, including 6 hours on ethics and boundaries and 6 hours of psychopharmacology.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

**SPS 165.02 Reinstatement.** A credential holder who has unsatisfied disciplinary requirements and has not renewed a credential under s. 440.88, Stats., within 5 years of its expiration or whose credential under s. 440.88, Stats., has been surrendered or revoked may apply for the credential to be reinstated by submitting all of the following:

**(1)** Evidence of completion of the requirements in s. SPS 165.01 (3) if the credential has not been active within the past 5 years.

**(2)** Evidence of completion of disciplinary requirements, if applicable.

**(3)** Evidence of rehabilitation or change in circumstances warranting reinstatement.

**History:** 2017 Wis. Act 262; cr. Register April 2018 No. 748, eff. 5-1-18.

## CHAPTER 455

## PSYCHOLOGY EXAMINING BOARD

455.01	Definitions.	455.065	Continuing education requirements.
455.02	License required to practice; use of titles.	455.07	Renewal fees.
455.03	Temporary practice.	455.08	Rules and code of ethics.
455.04	Licensure of psychologists and private practice school psychologists.	455.09	Denial, limitation, suspension, revocation and reprimand.
455.045	Examinations.	455.10	Injunctive relief.
455.06	Renewals.	455.11	Penalty.

**Cross-reference:** See definitions in s. 440.01.

**Cross-reference:** See also *Psy*, Wis. adm. code.

#### 455.01 Definitions. In this chapter:

(2) “Doctoral degree in psychology” means a doctoral degree in a study which involves the application of principles of the practice of psychology. A doctoral degree granted as the result of study involving one or more of the areas of psychological practice recognized by the American psychological association or in any other field recognized by the examining board shall be considered a doctoral degree in psychology.

(3) “Examining board” means the psychology examining board.

(3m) “Fee” means direct or indirect payment or compensation, monetary or otherwise, including the expectation of payment or compensation whether or not actually received.

(4) “Licensed psychologist” means a person holding a valid license under s. 455.04 (1).

(5) “Practice of psychology” means rendering to any person for a fee a psychological service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationships; the methods and procedures of interviewing, counseling, psychotherapy, psychoanalysis and biofeedback; and the methods and procedures of constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion and motivation. The application of these principles and methods includes, but is not restricted to, all of the following:

(a) Psychological diagnosis, prevention and treatment of problems in behavioral, vocational, educational, emotional, sexual, neuropsychological and mental disorders.

(b) Treatment for alcohol and other substance abuse, disorders of habit and conduct, and the psychological and behavioral aspects of physical illness, accident or other disabilities.

(c) Any other activity authorized by statute or by rules promulgated by the examining board.

(6) “Psychotherapy” means the use of learning, conditioning methods and emotional reactions in a professional relationship to assist persons to modify feelings, attitudes and behaviors which are intellectually, socially or emotionally maladjustive or ineffectual.

(7) (a) A person makes a representation to be a psychologist when the person uses publicly any title or description of services incorporating the words “psychology”, “psychological” or “psychologist”, and when the person makes a declaration to be trained, experienced or an expert in the field of psychology and offers to engage or engages in the practice of psychology for any person for a fee.

(b) Nothing in this chapter restricts the use of the term “social psychologist” by any person who has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a recognized educational institution, who has passed comprehen-

sive examinations in the field of social psychology as part of the requirements for a doctoral degree or has had equivalent specialized training in social psychology and who has filed with the examining board a statement of the facts demonstrating compliance with this paragraph.

**History:** 1977 c. 192, 273, 418; 1989 a. 243; 1995 a. 188.

#### 455.02 License required to practice; use of titles.

(1m) LICENSE REQUIRED TO PRACTICE. Except as provided in s. 257.03, no person may engage in the practice of psychology or the private practice of school psychology, or attempt to do so or make a representation as authorized to do so, without a license issued by the examining board.

(2m) EXCEPTIONS. A license under this chapter is not required for any of the following:

(a) A person lawfully practicing within the scope of a license, permit, registration, certificate or certification granted by this state.

(b) A person providing psychological services as directed, supervised and inspected by a psychologist who has the power to direct, decide and oversee the implementation of the services provided.

(c) The performance of official duties by personnel of any of the armed services or federal health services of the United States.

(d) A person employed in a position as a psychologist or psychological assistant by an accredited college, junior college or university or other academic or research institution, if the person is performing activities that are a part of the duties for which he or she is employed, is performing those activities solely within the confines of or under the jurisdictions of the institution in which he or she is employed and does not render or offer to render psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the institution with which he or she is employed. An individual acting under this paragraph may, without obtaining a license under s. 455.04 (1) or (4), disseminate research findings and scientific information to others, such as accredited academic institutions or governmental agencies, or may offer lecture services for a fee.

(e) A person pursuing a course of study leading to a graduate degree in medicine, social work, marriage and family therapy or professional counseling at an accredited college or university while working in a training program, if the person’s activities and services constitute a part of his or her supervised course of study and the person is designated by a title that clearly indicates the training status appropriate to the person’s level of training.

(f) A graduate student or psychological intern in psychology pursuing a course of study leading to a graduate degree in psychology at an accredited college or university while working in a training program, if his or her activities and services constitute a part of the supervised course of study and he or she is designated by a title such as “psychological intern”, “psychological trainee” or other title clearly indicating the training status appropriate to his or her level of training. The term “psychological intern” shall be reserved for persons enrolled in the doctoral program in psychol-

ogy at an accredited college or university or engaged in a formal psychology internship program.

(g) A person certified by the department of public instruction to provide psychological or counseling services, if the person is performing activities that are a part of the duties for which he or she is employed, is performing those activities solely within the confines of or under the jurisdiction of the school district by which he or she is employed and does not render or offer to render psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the school district by which he or she is employed.

(h) A person who has a doctoral degree in psychology and who has met the examining board's requirements for predoctoral supervised experience under s. Psy 2.09 (2), Wis. Adm. Code, while employed as a psychology resident by a clinic certified by the department of health services.

NOTE: Section Psy 2.09 (2), Wis. Adm. Code was repealed eff. 7–1–99 by Rule Order CR 98–206 published in the Wisconsin Administrative Register, June, 1999, No. 522.

(i) An ordained member of the clergy of any religious denomination or sect who is associated with a church, synagogue or other religious organization, contributions to which are tax deductible for federal and state income tax purposes, if the member of the clergy is engaged in activities that are within the scope of his or her regular duties as a member of the clergy and that are not rendered to the public for a fee over and above the salary or other compensation that the member of the clergy receives for the performance of his or her official duties as a member of the clergy with the church, synagogue or religious organization with which he or she is associated.

(k) A person engaged in employment counseling or testing for other than therapeutic purposes.

(L) A mental health professional who has met all of the qualifications under s. DHS 61.96, Wis. Adm. Code, for employment as a mental health professional in an outpatient psychotherapy clinic certified by the department of health services under s. DHS 61.95, Wis. Adm. Code, if the person is performing activities that are a part of the duties for which he or she is employed by such a certified outpatient psychotherapy clinic and is performing those activities solely within the confines of or under the jurisdiction of the clinic by which he or she is employed.

(m) A person providing psychological services as an employee of a federal, state or local governmental agency, if the person is providing the psychological services as a part of the duties for which he or she is employed, is providing the psychological services solely within the confines of or under the jurisdiction of the agency by which he or she is employed and does not provide or offer to provide psychological services to the public for a fee over and above the salary that he or she receives for the performance of the official duties with the agency by which he or she is employed.

(n) A person coordinating or participating in the activities of a nonprofit peer support group, if the person performs those activities solely within the confines of the peer support group and does not render or offer to render psychological services to the public for a fee.

**(3m) USE OF TITLES.** Except as provided in s. 257.03, only an individual licensed under s. 455.04 (1) may use the title “psychologist” or any similar title or state or imply that he or she is licensed to practice psychology, and only an individual licensed under s. 455.04 (4) may use the title “private practice school psychologist” or any similar title or state or imply that he or she is licensed to engage in the private practice of school psychology. Except as provided in s. 257.03, only an individual licensed under s. 455.04 (1) or (4) may represent himself or herself to the public by any description of services incorporating the word “psychological” or “psychology”.

History: 1979 c. 162 ss. 30, 38 (7); 1989 a. 243; 1995 a. 27 ss. 9126 (19), 9145 (1); 1995 a. 188; 1995 a. 225 s. 466; 1997 a. 35, 261; 2001 a. 38, 104; 2005 a. 96; 2007 a. 20 s. 9121 (6) (a); 2009 a. 42, 180.

**455.03 Temporary practice.** A psychologist who is licensed or certified by a similar examining board of another state or territory of the United States or of a foreign country or province whose standards, in the opinion of the examining board, are equivalent to or higher than the requirements for licensure as a psychologist in s. 455.04 (1) may offer services as a psychologist in this state for not more than 60 working days in any year without holding a license issued under s. 455.04 (1). The psychologist shall report to the examining board the nature and extent of his or her practice in this state if it exceeds 20 working days within a year.

History: 1989 a. 243.

**455.04 Licensure of psychologists and private practice school psychologists. (1)** The department shall issue a psychologist license to an individual who submits an application for the license to the department on a form provided by the department, pays the fee specified in s. 440.05 (1) or, if sub. (3) applies, the fee specified in s. 440.05 (2), and is found by the examining board to meet all of the following requirements:

(a) Be at least 18 years of age.

(b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.

(c) Hold a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or have had other academic training or specialized experience, which in the opinion of the board is equivalent thereto. The board may require examinations to determine the equivalence of such training and experience and may also require examinations for individuals holding doctoral degrees in psychology from non-American universities.

(d) Have had at least one year of appropriate experience in psychological work under conditions satisfactory to the examining board in addition to satisfying par. (c). However, the examining board may not adopt rules requiring an internship.

(e) Pass the examination under s. 455.045 (1) (a). This paragraph does not apply to an applicant who is licensed as a psychologist in another state if the applicant submits proof of completion of continuing educational programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (3).

(f) Pass the examination under s. 455.045 (1) (b).

**(3)** The examining board may waive the requirements of sub. (1) (c) and (d) if a candidate holds a diploma of the American board of examiners in professional psychology, or holds a certificate or license of an examining board of some other state or territory or foreign country or province, if the standards of such other examining board are deemed by the members of this board to be equivalent to the standards of this state and like reciprocity is extended to holders of licenses issued by this state.

**(4)** The department shall issue a private practice school psychologist license to an individual who submits an application for the license to the department on a form provided by the department, pays the fee specified in s. 440.05 (1) and is found by the examining board to meet all of the following requirements:

(a) Be at least 18 years of age.

(b) Subject to ss. 111.321, 111.322 and 111.335, not have an arrest or conviction record.

(c) Have completed a program for the preparation of school psychologists resulting in a doctor of philosophy, doctor of psychology, doctor of education or education specialist degree, or consisting of a minimum of 60 graduate semester credits resulting in a master's degree in psychology.

(d) Submit written verification from the supervising psychologist or a school official or administrator that the applicant has successfully completed one year of experience or internship in school psychology under the supervision of a school psychologist licensed by the department of public instruction.

**3 Updated 15–16 Wis. Stats.**

(e) Hold a regular license as a school psychologist issued by the department of public instruction.

(f) Pass the examination under s. 455.045 (2) (a). This paragraph does not apply to an applicant who is licensed as a private practice school psychologist in another state if the applicant submits proof of completion of continuing educational programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (3).

(g) Pass the examination under s. 455.045 (2) (b).

(5) Applicants for licensure under subs. (1) and (4) may be required to appear before the examining board in person prior to licensure to allow the examining board to make such inquiry of them as to qualifications and other matters as it considers proper.

**History:** 1971 c. 213 s. 5; 1975 c. 198; 1977 c. 192; 1981 c. 380; 1981 c. 391 s. 211; 1987 a. 403; 1989 a. 243 ss. 6 to 9, 12, 13; 1995 a. 27 s. 9145 (1); 1995 a. 188; 1997 a. 27; 2007 a. 20 s. 9121 (6) (a).

**Cross-reference:** See also chs. Psy 2 and 3, Wis. adm. code.

**455.045 Examinations.** (1) The examining board shall administer the following examinations for psychologist licensure at least semiannually at times and places determined by the examining board:

(a) A written examination on the practice of psychology.

(b) A written examination in the elements of practice essential to the public health, safety or welfare.

(2) The examining board shall administer the following examinations for private practice school psychologist licensure at least semiannually at times and places determined by the examining board:

(a) A written examination on the private practice of school psychology.

(b) A written examination in the elements of practice essential to the public health, safety or welfare.

(3) The examining board shall promulgate rules establishing standards for public notice of examinations and for acceptable performance on examinations under this section.

**History:** 1989 a. 243.

**Cross-reference:** See also chs. Psy 2 and 3, Wis. adm. code.

**455.06 Renewals.** The renewal date for licenses issued under s. 455.04 (1) and (4) is specified under s. 440.08 (2) (a), and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a). An applicant for renewal of a license shall include with his or her application proof of completion of continuing education programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (1).

**History:** 1977 c. 29; 1979 c. 162; 1989 a. 243; 1991 a. 39; 1995 a. 188; 2007 a. 20.

**Cross-reference:** See also ch. Psy 4, Wis. adm. code.

**455.065 Continuing education requirements.** The examining board shall do all of the following:

(1) Promulgate rules establishing the minimum number of hours of continuing education, the topic areas that the continuing education must cover, the criteria for the approval of continuing education programs and courses required for renewal of a license and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses.

(3) Promulgate rules establishing the minimum number of hours of continuing education, the topic areas that the continuing education must cover, the criteria for the approval of continuing education programs and courses required for the exemptions from the examination requirements under s. 455.04 (1) (e) and (4) (f) and the criteria for the approval of the sponsors and cosponsors of those continuing education programs and courses.

(4) Approve continuing education programs and courses in accordance with the criteria established under subs. (1) and (3).

(5) Promulgate rules establishing the criteria for the substitution of uncompensated hours of professional assistance volunteered to the department of health services for some or all hours

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of continuing education credits required under subs. (1) and (3). The eligible substitution hours shall involve professional evaluation of community programs for the certification and recertification of community mental health programs, as defined in s. 51.01 (3n), by the department of health services.

**History:** 1989 a. 243; 1991 a. 39; 1993 a. 445; 1995 a. 27 s. 9126 (19); 1995 a. 188; 2007 a. 20 s. 9121 (6) (a).

**Cross-reference:** See also ch. Psy 4, Wis. adm. code.

**455.07 Renewal fees. (2)** The fee for renewal of a license under this chapter is determined by the department under s. 440.03 (9) (a).

(3) The late renewal fees are specified under s. 440.08 (3) (a).

**History:** 1977 c. 29; 1991 a. 39; 1997 a. 35; 2007 a. 20.

**455.08 Rules and code of ethics.** The examining board shall adopt such rules as are necessary under this chapter and shall, by rule, establish a reasonable code of ethics governing the professional conduct of psychologists, using as its model the “Ethical Standards of Psychologists”, established by the American Psychological Association. The primary intent of this code shall be to assure that licensed psychologists limit their practices to those specialties in the field of psychology which they are qualified to practice. Every person who holds a license to practice psychology in this state shall be governed and controlled by such code of ethics. A written statement of the code shall be made available to all applicants for licensing, as well as all licensed psychologists, when amendments are made to those standards. Nothing in this chapter shall be construed to authorize the psychologist to engage in the practice of medicine.

**Cross-reference:** See also Psy and ch. Psy 5, Wis. adm. code.

Construing rules of professional conduct adopted under s. 455.08 as applying to post-therapy conduct is necessary to effectuate the purpose of protecting the health, safety, or welfare of former clients. *Bar-Av v. Psychology Examining Board*, 2007 WI App 21, 299 Wis. 2d 387, 728 N.W.2d 722, 04–3251.

**455.09 Denial, limitation, suspension, revocation and reprimand. (1)** Subject to the rules promulgated under s. 440.03 (1), the examining board may deny an application for a license, or may by order suspend for a period not exceeding one year, limit, revoke or impose probationary conditions upon a license or reprimand a licensee if the applicant or licensee:

(a) Subject to ss. 111.321, 111.322 and 111.335, is a felon.

(b) Subject to ss. 111.321, 111.322 and 111.34, engaged in the practice of psychology or the private practice of school psychology while his or her ability to practice was impaired by alcohol or other drugs.

(c) Impersonates another person holding a license under this chapter or allows another person to use his or her license.

(d) Uses fraud or deception in applying for a license under this chapter.

(e) Accepts a commission, rebate or other form of fee for referring persons to other professionals.

(f) Engages in the willful, unauthorized communication of information received in professional confidence.

(g) Violates this chapter or any rule of professional conduct promulgated under this chapter.

(h) Is grossly negligent in the practice of his or her profession.

(2) A suspended license is subject to the requirements for renewal of the license under s. 440.08. The renewal of a suspended license does not entitle the licensee to any rights, privileges or authority conferred by the license while the license remains suspended.

(3) A revoked license may not be renewed. One year from the date of revocation of a license under this chapter, application may be made for reinstatement. The examining board may accept or reject an application for reinstatement. If reinstatement is granted under this subsection, the licensee shall pay a reinstatement fee in an amount equal to the renewal fee. This subsection does not apply to a license that is revoked under s. 440.12.

**History:** 1977 c. 125, 418; 1979 c. 162 s. 38 (7); 1981 c. 79 s. 17; 1981 c. 334 s. 25 (1); 1989 a. 243; 1991 a. 39; 1995 a. 188; 1997 a. 237.

**Cross-reference:** See also ch. Psy 5, Wis. adm. code.

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Updated 15–16 Wis. Stats. 4

Petitioner is not entitled to present expert evidence indicating he or she previously testified truthfully when denying misconduct under sub. (1) (g). *Davis v. Psychology Examining Board*, 146 Wis. 2d 595, 431 N.W.2d 730 (Ct. App. 1988).

Laches is not available in any proceeding brought by the state in its sovereign capacity to protect a public right. A disciplinary proceeding is brought by the state in its sovereign capacity to protect a right of the public—the right to have licensed psychologists comply with the requirements of their licenses. *Stein v. WI Psychology Examining Board*, 2003 WI App 147, 265 Wis. 2d 781, 668 N.W.2d 112, 02–2726.

Construing rules of professional conduct adopted under s. 455.08 as applying to post-therapy conduct is necessary to effectuate the purpose of protecting the health, safety, or welfare of former clients. *Bar–Av v. Psychology Examining Board*, 2007 WI App 21, 299 Wis. 2d 387, 728 N.W.2d 722, 04–3251.

**455.10 Injunctive relief.** Violation of s. 455.02 may be enjoined in an action brought by the attorney general on petition

by the examining board. In any such proceeding, it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the violation, the court shall enjoin the respondent from further violations thereof until he or she has been duly licensed. The remedy given by this section is in addition to criminal prosecution under s. 455.11.

**History:** 1979 c. 162; 1995 a. 188.

**455.11 Penalty.** Any person who violates this chapter may be fined not more than \$200 or imprisoned not exceeding 6 months or both.



## Chapter Psy 2

### REQUIREMENTS FOR EXAMINATION AND LICENSURE OF PSYCHOLOGISTS

<p>Psy 2.01 Application procedure. Psy 2.013 Reciprocity. Psy 2.015 Application abandonment. Psy 2.018 American Board of Professional Psychology diploma. Psy 2.05 Passing scores.</p>	<p>Psy 2.09 Education and experience equivalent to a doctoral degree in psychology. Psy 2.10 Supervised psychological experience. Psy 2.14 Temporary practice.</p>
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**Psy 2.01 Application procedure.** An applicant for licensure as a psychologist shall submit all of the following:

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Evidence of one of the following:

(a) Official transcript indicating a doctoral degree in psychology from a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.

(b) Academic training or specialized experience which in the opinion of the board is equivalent to a doctoral degree in psychology.

(c) Documentation of academic credentials evaluated by the National Register of Health Service Psychologists or other credential evaluation organization approved by the Board.

(4) Documentation of at least one year experience in psychological work meeting the requirements in s. Psy 2.10.

(5) Evidence of passing the EPPP.

(6) Evidence of passing the jurisprudence exam.

(7) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.

(8) For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the practice of psychology.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. (intro.), Register, August, 1993, No. 452, eff. 9-1-93; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1995, No. 473; am. (3), Register, January, 1997, No. 493, eff. 2-1-97; am. (1), (2) and (7), Register, June, 1999, No. 522, eff. 7-1-99; CR 02-124; am. (12) Register July 2003 No. 571, eff. 8-1-03; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register July 2004 No. 583; CR 15-102: r. and recr. Register August 2016 No. 728, eff. 9-1-16; correction in (4) made under s. 35.17, Stats., Register August 2016 No. 728.

**Psy 2.013 Reciprocity.** An applicant who holds an active license in another state, territory, foreign country or province whose license standards are deemed by the board to be equivalent to the standards in this state may apply for license by submitting the following:

- (1) The properly completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Evidence of one of the following:

(a) Evidence of passing the EPPP.

(b) Evidence of completion of at least 40 board approved continuing education hours obtained within 2 years prior to application.

(4) Evidence of passing the jurisprudence exam.

**History:** CR 15-102: cr. Register August 2016 No. 728, eff. 9-1-16.

**Psy 2.015 Application abandonment.** An applicant who files an application but who does not comply with a request for information related to the application within one year of the date of the board's last request shall file a new application. An applicant who files an application but who does not fully complete

the application within 3 years of the date of the application shall file a new application.

**History:** Cr., Register, January, 1997, No. 493, eff. 2-1-97.

**Psy 2.018 American Board of Professional Psychology diploma.** An applicant who holds a diploma of the American Board of Professional Psychology may apply for a license by submitting the following:

(1) The properly completed and signed application form.

(2) The application fee authorized by s. 440.05 (1), Stats.

(3) Evidence of passing the EPPP.

(4) Evidence of passing the jurisprudence exam.

**History:** CR 15-102: cr. Register August 2016 No. 728, eff. 9-1-16.

**Psy 2.05 Passing scores.** (1) The passing score on each examination is determined by the board to represent minimum competence.

(2m) The board may adopt the recommended passing score of the examination provider for the EPPP.

(4) The board shall make the determination of the passing score of the jurisprudence exam after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; r. and recr., Register, January, 1997, No. 493, eff. 2-1-97; CR 15-102: am. (1), r. (2), (3), am. (4) Register August 2016 No. 728, eff. 9-1-16.

**Psy 2.09 Education and experience equivalent to a doctoral degree in psychology.** The equivalent to a doctorate in psychology is a doctorate degree which meets all of the following requirements:

(1) The curriculum shall contain all of the following content:

(a) Scientific psychology, including all of the following:

1. Biological aspects of behavior.
2. Cognitive and affective aspects of behavior.
3. Social aspects of behavior.
4. History and systems of psychology.
5. Psychological measurement.
6. Research methodology.
7. Techniques of data analysis.

(b) Scientific, methodical and theoretical foundations of practice in the substantive area of professional psychology in which the program has its training emphasis including all of the following:

1. Individual differences in behavior.
2. Human development.
3. Dysfunctional behavior or psychopathology.
4. Professional standards and ethics.

(c) Diagnosing or defining problems through psychological assessment and measurement and formulating and implementing intervention strategies including all of the following:

1. Theories and methods of assessment and diagnosis.
2. Effective intervention.

3. Consultation and supervision.
4. Evaluating the efficacy of interventions.
- (d) Issues of cultural diversity and individual differences.

(e) Skills essential for lifelong learning, scholarly inquiry and professional problem-solving as psychologists in the context of an evolving body of scientific and professional knowledge.

(2) The doctoral degree shall include any of the following: practicum, internship, field or laboratory training. This experience shall be supervised by a person with a doctoral degree in psychology.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. (2) (a) 1., 4. and 5., Register, November, 1992, No. 443, eff. 12-1-92; cr. (4), Register, August, 1993, No. 452, eff. 9-1-93; am. (1) (a), (3) (a) 2., 10., (b), (c) and (4), r. (1) (j) and (2), Register, June, 1999, No. 522, eff. 7-1-99; correction in (5) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 1999, No. 522; CR 02-124: am. (3) (a) 1. to 3., 5., 7., (b), and (c) Register July 2003 No. 571, eff. 8-1-03; CR 04-021: am. (1) (i), r. (5) Register July 2004 No. 583, eff. 8-1-04; CR 12-055: am. (4) Register August 2013 No. 692, eff. 9-1-13; CR 15-102: r. and recr. Register August 2016 No. 728, eff. 9-1-16.

**Psy 2.10 Supervised psychological experience.** A one year experience in psychological work after a doctoral degree in psychology or its equivalent under conditions satisfactory to the examining board shall include all of the following:

(1) Completion of 2000 hours of the supervised psychological experience in no more than 24 months.

(2) Clients shall be informed that the psychological trainee is receiving supervision and that the client's case will be discussed in the context of required supervision. The trainee must inform potential clients in writing of his or her trainee status and lack of license.

(3) A minimum of 25% of the experience required shall consist of face-to-face client contact.

(4) A total of 65% of the experience required shall consist of the face-to-face client contact required under sub. (3) and direct service for the purpose of providing psychological service. For the purposes of this subsection, direct service means those activities a psychologist performs that are directly related to providing psychological services to a client, including note and report writing, studying test results, case consultation, and reviewing published works relating to the client's needs.

(5) The primary supervisor shall be a licensed psychologist and shall have adequate training, knowledge, and skill to render competently any psychological service that a psychological trainee undertakes. The primary supervisor shall have post-licensure experience and shall have had training or experience in super-

vision of psychological work. Supervisors shall not be an immediate relative by blood or marriage.

(6) The supervisor's responsibilities include all of the following:

(a) Permit a trainee to engage in only psychological practice the supervisor can competently perform.

(b) Have sufficient knowledge of the trainee's clients to ensure effective service. This may include ongoing face-to-face contact with the client.

(c) Monitor the progress of the work on a regular basis.

(d) Determine the adequacy of the trainee's preparation for the tasks to be performed.

(e) Provide a written evaluation of the supervised experience. Prepared evaluations or reports of progress, including strengths and weakness, shall be written and discussed with the trainee on at least a semi annual basis and shall be made available to the board upon request.

(f) Be available or make appropriate provision for emergency consultation and intervention.

(g) Be legally and ethically responsible for the professional activities of the trainee.

(h) Be able to interrupt or stop the trainee from practicing in given cases.

(i) To terminate the supervised relationship if necessary.

**History:** CR 15-102: cr. Register August 2016 No. 728, eff. 9-1-16.

**Psy 2.14 Temporary practice.** (1) In this section, "working days" is defined as any day in which the psychologist provides services.

(2) A psychologist who is licensed by another state or territory of the United States or a foreign country or province whose standards, in the opinion of the board, are equivalent to or higher than than the requirements for licensure as a psychologist in s. 455.04 (1), Stats., may offer services as a psychologist in this state for not more than 60 working days in any year without holding a license issued under s. 455.04 (1), Stats.

(3) The psychologist shall report to the board the nature and extent of his or her practice in this state if it exceeds 20 working days within a year.

(4) A psychologist provides psychological services in this state whenever the patient or client is located in this state regardless of where the psychologist is located.

**History:** Cr. Register, June, 2001, No. 546, eff. 7-1-01; CR 15-102: r. and recr. Register August 2016 No. 728, eff. 9-1-16; (1) to (4) renum. from (intro.), (1), (2), (3) under s. 13.92 (4) (b) 1., Stats., and correction in (2) made under s. 35.17, Stats., Register August 2016 No. 728.

## Chapter Psy 3

### REQUIREMENTS FOR THE PRIVATE PRACTICE OF SCHOOL PSYCHOLOGY

Psy 3.01 Application.

Psy 3.07 Passing score.

**Psy 3.01 Application.** An applicant for licensure as a private practice school psychologist shall submit all of the following:

- (1) Completed and signed application form.
- (2) The application fee authorized by s. 440.05 (1), Stats.
- (3) Official transcript indicating one of the following:
  - (a) Doctoral degree in philosophy.
  - (b) Doctoral degree in psychology.
  - (c) Doctoral degree in education.
  - (d) Education specialist degree.
  - (e) Master's degree in psychology consisting of a minimum of 60 graduate semester credits.
- (4) Written verification from a supervising psychologist, school official or administrator that the applicant has successfully completed one academic year of experience or internship consisting of at least 1200 hours in school psychology under the supervision of a school psychologist licensed by the department of public instruction.
- (5) Evidence that the applicant holds a regular license as a school psychologist issued by the department of public instruction.
- (6) Evidence of successful completion of the Praxis School Psychology examination. This section does not apply to an appli-

cant who is licensed in another state if the applicant submits proof of completion of at least 40 hours of board approved continuing education obtained within 2 years prior to application.

(7) Evidence of successful completion of the jurisprudence examination.

(8) Verification of the applicant's credentials in all states or countries in which the applicant has ever held a credential.

(9) For applicants who have a pending criminal charge or have been convicted of a crime, all information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the private practice of school psychology.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; am. (3), Register, January, 1997, No. 493, eff. 2-1-97; am. (1) and (2), Register, June, 1999, No. 522, eff. 7-1-99; CR 02-124; am. (4) Register July 2003 No. 571, eff. 8-1-03; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 16-062: r. and recr. Register January 2018 No. 745 eff. 2-1-18.

**Psy 3.07 Passing score.** The passing score on each examination is determined by the board to represent minimum competence. The board may adopt the recommended passing score of the examination provider.

**History:** Cr. Register, September, 1991, No. 429, eff. 10-1-91; CR 02-124; am. (1) Register July 2003 No. 571, eff. 8-1-03; CR 16-062: r. and recr. Register January 2018 No. 745 eff. 2-1-18.

## CHAPTER 457

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

457.01	Definitions.	457.12	Professional counselor license.
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457.035	Psychotherapy rules.	457.16	Examinations.
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457.10	Marriage and family therapist license.	457.26	Disciplinary proceedings and actions.
457.11	Marriage and family therapist training license.	457.28	Injunctive relief.

**Cross-reference:** See definitions in s. 440.01.

**Cross-reference:** See also MPSW, Wis. adm. code.

**457.01 Definitions.** In this chapter:

**(1c)** “Advanced practice social worker” means an individual who holds an advanced practice social worker certificate granted by the social worker section.

**(1g)** “Certificate holder” means an individual who is certified under this chapter.

**(1n)** “Clinical social work” means providing services without supervision for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, to restore, maintain, and enhance social functioning through treatment interventions that include psychosocial evaluation, counseling of individuals, families, or groups, referral to community resources, advocacy, facilitation of organizational change to meet social needs, and individual, marital, or group psychotherapy.

**(1r)** “Clinical social worker” means an individual who holds a license to practice clinical social work granted by the social worker section.

**(1w)** “Credential” means a license or certificate granted under this chapter.

**(2)** “Examining board” means the marriage and family therapy, professional counseling, and social work examining board.

**(2g)** “Independent social worker” means an individual who holds an independent social worker certificate granted by the social worker section.

**(2r)** “Licensee” means a person who is licensed under this chapter.

**(3)** “Marriage and family therapist” means an individual who holds a license to practice marriage and family therapy granted by the marriage and family therapist section.

**(4)** “Marriage and family therapist section” means the marriage and family therapist section of the examining board.

**(5)** “Marriage and family therapy” means applying psychotherapeutic and marital or family systems theories and techniques in the assessment, marital or family diagnosis, prevention, treatment or resolution of a cognitive, affective, behavioral, nervous or mental disorder of an individual, couple or family.

**(6)** “Professional counseling” means applying a combination of human development, rehabilitation and either psychosocial or psychotherapeutic principles, procedures or services that integrate a wellness, pathology and multicultural model of human behavior in order to assist an individual, couple, family, group of individuals, organization, institution or community to achieve mental, emotional, physical, social, moral, educational, spiritual, vocational or career development and adjustment through the life span of the individual, couple, family, group of individuals, organization, institution or community.

**(7)** “Professional counselor” means an individual who holds a license to practice professional counseling granted by the professional counselor section.

**(8)** “Professional counselor section” means the professional counselor section of the examining board.

**(8e)** “Psychiatrist” means a physician licensed under subch. II of ch. 448 who specializes in psychiatry.

**(8m)** “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

**(9)** “Social work” means applying psychosocial or counseling principles, methods, or procedures in the assessment, evaluation, or psychosocial diagnosis, prevention, treatment, or resolution of a difficulty in the social, psychological, personal, emotional, or mental functioning of an individual, couple, family, group of individuals, or community, including the enhancement or restoration of, or the creation of societal conditions favorable to the enhancement or restoration of, the capacity of an individual, couple, family, group of individuals, or community for social functioning or the delivery of services to a group of individuals or a community to assist the group or community in providing or improving the provision of social or health services to others.

**(10)** “Social worker” means an individual who holds a social worker certificate granted by the social worker section.

**(11)** “Social worker section” means the social worker section of the examining board.

**History:** 1991 a. 160; 2001 a. 80.

**457.02 Applicability.** This chapter does not do any of the following:

**(1)** Require any individual to be certified or licensed under this chapter in order to use the title “pastoral counselor,” “investment counselor,” “vocational counselor,” “career counselor,” “alcohol and drug counselor,” “chemical dependency counselor,” or “employee assistance counselor,” or to engage in such counseling, if the individual does not use any other title or designation that represents or may tend to represent that he or she is certified or licensed under this chapter, and does not represent himself or herself as an individual who engages in social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

**(2)** Require any individual who is licensed as a school social worker or school counselor by the department of public instruction to be certified or licensed under this chapter in order to use the title “school social worker” or “school counselor.”

(3) Require a person who is licensed as a psychologist under ch. 455 or who is a psychiatrist to be licensed under this chapter in order to use the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor” if the psychologist or psychiatrist does not use the term “licensed,” “certified,” or “registered” or any similar term in connection with the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor.”

(4) Authorize any individual who is certified or licensed under this chapter to use the title “school social worker” or “school counselor” unless the individual is licensed as a school social worker or school counselor by the department of public instruction.

(5) Authorize any individual who is certified under s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c) to use the title “alcohol and drug counselor” or “chemical dependency counselor” unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department.

(5m) Authorize any individual who is certified under s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c) to treat substance use disorder as a specialty unless the individual is a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88.

NOTE: Sub. (5m) is shown as affected by 2017 Wis. Acts 262 and 331 and merged by the legislative reference bureau under s. 13.92 (2) (i).

(6) Require a credential for a person to do any of the following:

(a) Lawfully practice within the scope of a license, permit, registration, or certificate granted by this state or the federal government, or granted through a process recognized by the department of health services, including practicing psychotherapy under such a license, permit, registration, or certificate.

(b) Practice psychotherapy, if the person satisfies one of the following:

1. The person is registered as a music, art, or dance therapist under s. 440.03 (14) (a) and the person holds a valid license granted by the department under s. 440.03 (14) (am).

2. The person is a mental health professional who meets all of the qualifications under s. DHS 61.96, Wis. Adm. Code, for employment as a mental health professional in an outpatient psychotherapy clinic certified by the department of health services under s. DHS 61.95, Wis. Adm. Code, if the person’s practice of psychotherapy is a part of the duties for which he or she is employed by such a clinic and the person practices psychotherapy solely within the confines of or under the jurisdiction of the clinic.

(c) Provide a consultation or demonstration with an individual licensed under this chapter if the person providing the consultation or demonstration is licensed to practice marriage and family therapy, professional counseling, or clinical social work in another state or territory of the United States.

History: 1991 a. 160; 1995 a. 27 ss. 9126 (19), 9145 (1); 1997 a. 27; 2001 a. 80, 105; 2005 a. 25, 254, 407; 2007 a. 20 s. 9121 (6) (a); 2009 a. 180; 2017 a. 262, 331; s. 13.92 (2) (i).

### 457.03 Duties and powers of examining board and sections.

The examining board shall do all of the following:

(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.

(1m) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, and consistent with s. 457.16, promulgate rules establishing examination requirements for certification and licensure under this chapter.

(2) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing a code of ethics to govern the professional conduct of certificate holders and licensees. The rules shall specify the services included within the practice of social work, advanced practice social work, or independent social work that an individual who is certified under this chapter as a social worker, advanced practice social worker, or independent social worker may perform and the degree of supervision, if any, required to perform those services.

(3) Upon the advice of the social worker section, promulgate rules establishing levels of social work practice for individuals with master’s or doctoral degrees in social work, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) and (3), and establishing appropriate educational, training, experience, examination, and continuing education requirements for certification and renewal of a certificate at each level of practice established in rules promulgated under this subsection.

History: 1991 a. 160; 2001 a. 80; 2005 a. 422; 2017 a. 357.

Cross-reference: See also chs. MPSW 1, 3, 6, and 20, Wis. adm. code.

**457.033 Psychometric testing.** The marriage and family therapy, professional counseling, and social work examining board and the psychology examining board shall jointly promulgate rules that specify the different levels of psychometric testing that an individual who is certified or licensed under this chapter is qualified to perform. Such rules shall be consistent with the guidelines of the American Psychological Association, or other nationally recognized guidelines, for performing psychometric testing. A certificate holder or licensee may not engage in psychometric testing except as provided under the rules promulgated under this section.

History: 2001 a. 80.

**457.035 Psychotherapy rules.** The examining board may not promulgate rules under s. 457.03 that permit an individual to engage in psychotherapy unless one of the following applies:

(1) The individual is licensed under this chapter as a clinical social worker, marriage and family therapist, or professional counselor.

(2) The individual is certified as an advanced practice or independent social worker and the individual engages in psychotherapy only under the supervision of an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

History: 2001 a. 80.

**457.04 Prohibited practices.** Except as provided in ss. 257.03 and 457.02, no person may do any of the following:

(1) Use the title “social worker” unless the person is certified as a social worker under this chapter.

(2) Use the title “advanced practice social worker” unless the person is certified as an advanced practice social worker under this chapter.

(3) Use the title “independent social worker” unless the person is certified as an independent social worker under this chapter.

(4) Practice clinical social work or designate himself or herself as a clinical social worker or use or assume the title “clinical social worker” or any other title or designation that represents or may tend to represent the person as a clinical social worker unless the person is licensed as a clinical social worker under this chapter or unless the person is certified under this chapter as an advanced practice social worker or independent social worker and the person practices clinical social work under the supervision of a person who is licensed as a clinical social worker under this chapter.

(5) Practice marriage and family therapy or designate himself or herself as a marriage and family therapist or use or assume the

title “marriage and family therapist,” “marriage and family counselor,” or any other title or designation that represents or may tend to represent the person as a marriage and family therapist unless any of the following applies:

(a) The person is licensed as a marriage and family therapist under this chapter.

(b) The person is licensed as a clinical social worker under this chapter and initially became certified as an independent clinical social worker under ch. 457, 1999 stats., on or before May 31, 1995.

(6) Practice professional counseling or designate himself or herself as a professional counselor or use or assume the title “professional counselor,” “professional rehabilitation counselor,” “vocational rehabilitation counselor,” “rehabilitation counselor,” or any other title or designation that represents or may tend to represent the person as a professional counselor unless the person is licensed as a professional counselor under this chapter.

(7) Practice psychotherapy unless the person is licensed under this chapter or unless the person is a certificate holder who may practice psychotherapy under the rules promulgated under ss. 457.03 and 457.035.

(8) Practice clinical social work, marriage and family therapy, or professional counseling without notifying his or her client in writing of the procedure to follow to resolve a grievance. The notice required under this subsection shall provide one of the following options for resolving a grievance to the client:

(a) A grievance resolution procedure that contains all of the following elements:

1. The name, address, and telephone number of, and any other contact information available for, the appropriate section of the examining board that is responsible for receiving a complaint and investigating and conducting a hearing under s. 457.26 (1).

2. The name, address, and telephone number of, and any other contact information available for, a person not involved in the services, therapy, or counseling giving rise to the complaint who would be available to receive and investigate a complaint.

3. The manner by which a client may present a complaint to a person identified in subd. 1. or 2.

4. The manner by which a client may appeal the resolution of a complaint presented in subd. 3.

5. Time limits for filing, processing, and appealing the resolution of a complaint presented under subd. 3.

6. Protections against retaliation for a client who presents a complaint under subd. 3. and for any person who assists the client to present a complaint under subd. 3.

(b) A grievance resolution procedure that complies with the rules promulgated under s. 51.61 (5) (b).

(c) A grievance resolution procedure that is available to the credential holder through a professional association of which the credential holder is a member.

**History:** 1991 a. 160; 2001 a. 80; 2005 a. 96; 2009 a. 28, 42.

**Cross-reference:** See also ch. MPSW 20, Wis. adm. code.

**457.06 General requirements for certification or licensure.** The social worker section, marriage and family therapist section, or professional counselor section may not grant any certificate or license under this chapter unless the applicant does all of the following:

(1) Submits an application for the certificate or license to the department on a form provided by the department.

(2) Pays the fee specified in s. 440.05 (1).

**History:** 1991 a. 160; 2001 a. 80.

**457.08 Social worker certificates and licenses.**

(1) **SOCIAL WORKER CERTIFICATE.** The social worker section shall grant a social worker certificate to an individual who qualifies under s. 457.09 (5) (d) or to any individual who does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a bachelor’s or master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as a social worker as specified in the rules promulgated under s. 457.03 (2).

(2) **ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE.** The social worker section shall grant an advanced practice social worker certificate to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as an advanced practice social worker as specified in the rules promulgated under s. 457.03 (2).

(3) **INDEPENDENT SOCIAL WORKER CERTIFICATE.** The social worker section shall grant an independent social worker certificate to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Submits evidence satisfactory to the social worker section that after receiving a master’s or doctorate degree in social work he or she has engaged in the equivalent of at least 2 years of full-time supervised social work practice approved by the social worker section.

**Cross-reference:** See also ch. MPSW 4, Wis. adm. code.

(d) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as an independent social worker as specified in the rules promulgated under s. 457.03 (2), or passes the Academy of Certified Social Workers examination administered by the National Association of Social Workers, except that the examining board may require an individual who passes the Academy of Certified Social Workers examination to also pass an examination approved by the examining board that tests the individual’s knowledge of state law relating to independent social work.

(4) **CLINICAL SOCIAL WORKER LICENSE.** The social worker section shall grant a clinical social worker license to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she satisfies each of the following:

1. The individual has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

2. As part of the master’s or doctorate degree program specified in subd. 1. or postgraduate studies, the individual has completed a clinical social work concentration and supervised clinical field training, both of which are approved by the social worker section, except that, upon the advice of the social worker section, the examining board may promulgate rules that allow an individual to substitute a specified number of hours of supervised clinical work experience for the supervised clinical field training.

(c) Submits evidence satisfactory to the social worker section that after receiving a master’s or doctorate degree in social work

he or she has engaged in the equivalent of at least 3,000 hours of clinical social work practice, including at least 1,000 hours of face-to-face client contact that includes the diagnosis and treatment of individuals based on the applicable edition of the Diagnostic and Statistical Manual of Mental Disorders, or its equivalent, as determined by the examining board, supervised by one of the following:

1. An individual licensed as a clinical social worker who has received a doctorate degree in social work.
2. An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.
3. A psychiatrist or a psychologist licensed under ch. 455.
4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the social worker section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the social worker section.

**Cross-reference:** See also ch. MPSW 4, Wis. adm. code.

(d) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as a clinical social worker.

**(5) USE OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS.** In its discretion, the examining board may establish a number of hours required for the diagnosis and treatment of individuals based on the applicable edition of the Diagnostic and Statistical Manual of Mental Disorders or its equivalent for purposes of sub. (4) (c). The number of hours required under this subsection may not exceed 600.

**History:** 1991 a. 160; 1995 a. 27; 2001 a. 80; 2003 a. 301; 2017 a. 356, 357.

**Cross-reference:** See also ch. MPSW 3, Wis. adm. code.

**457.09 Social worker training certificate.** (1) The social worker section shall grant a social worker training certificate to any individual who does all of the following:

(a) Submits an application for the certificate to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Submits evidence satisfactory to the social worker section that he or she has a bachelor's degree from an accredited college or university in psychology, sociology, criminal justice or another human service program approved by the section.

(d) Submits a statement to the social worker section that he or she is seeking to attain social worker degree equivalency under sub. (4) while he or she holds a social worker training certificate.

**(2)** (a) Notwithstanding s. 457.04 (1), a social worker training certificate authorizes the holder to use the title specified in s. 457.04 (1) during the period in which the certificate is valid.

(b) A social worker training certificate holder is a social worker certified under this chapter for purposes of any law governing social workers certified under this chapter.

**(3)** (a) A social worker training certificate is valid for 24 months.

(c) A social worker training certificate may not be renewed.

**(4)** During the period in which a social worker training certificate is valid, the certificate holder shall do all of the following:

(a) Seek to attain social worker degree equivalency by completing courses relating to all of the following in a social work program or other human services program at an accredited college or university:

1. Social welfare policy and services.
2. Social work practice methods with individuals, families, small groups, communities, organizations and social institutions.
3. Human behavior in the social environment, including human growth and development and social systems theory.

(b) Complete one of the following:

1. A human services internship that involves direct practice with clients and that is supervised by a social worker certified

under this chapter who has a bachelor's or master's degree in social work.

2. One year of social work employment that involves direct practice with clients and that is supervised by a social worker certified under this chapter who has a bachelor's or master's degree in social work.

**(4m)** (a) The social worker section shall determine whether a course, internship or employment satisfies the requirements under sub. (4) and whether a social worker training certificate holder has attained social worker degree equivalency.

(b) Notwithstanding sub. (4), for the purpose of determining whether a social worker training certificate holder has attained social worker degree equivalency under sub. (4), the section shall apply course work or internships that the certificate holder completed, or employment that the certificate holder held, as part of the program leading to the degree that he or she specified to satisfy the requirement in sub. (1) (c) if the course work, internship or employment satisfies the requirements in sub. (4).

**(5)** (a) A social worker training certificate holder may take the national social work examination at any time before or after he or she completes the requirements under sub. (4).

(b) If a social worker training certificate holder passes the examination specified under par. (a), he or she shall be permitted to take an examination approved by the social worker section that tests knowledge of state law relating to social work.

(c) If an individual fails an examination specified under par. (a) or (b), he or she may retake the examination. The social worker section may not place any restrictions on the number of times an individual may retake the examinations specified under pars. (a) and (b).

(d) The social worker section shall grant a social worker certificate to an individual who has held a social worker training certificate and who passes the examinations specified under pars. (a) and (b).

**History:** 1995 a. 27; 2001 a. 80; 2017 a. 330.

**Cross-reference:** See also s. MPSW 3.13, Wis. adm. code.

**457.10 Marriage and family therapist license.** The marriage and family therapist section shall grant a marriage and family therapist license to any individual who does all of the following:

**(1)** Satisfies the requirements in s. 457.06.

**(2)** Submits evidence satisfactory to the marriage and family therapist section that he or she has done any of the following:

(a) Received a master's or doctorate degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy education.

(b) Received a master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling or other mental health field that included course work that the marriage and family therapist section determines is substantially equivalent to the course work required for a master's or doctorate degree in marriage and family therapy described under par. (a).

**(3)** Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree required under sub. (2) he or she has engaged in the equivalent of at least 3,000 hours of marriage and family therapy practice, including at least 1,000 hours of face-to-face client contact, supervised by one of the following:

(a) An individual licensed as a marriage and family therapist who has received a doctorate degree in marriage and family therapy.

(b) An individual licensed as a marriage and family therapist who has engaged in the equivalent of 5 years of full-time marriage and family therapy practice.

(c) A psychiatrist or a psychologist licensed under ch. 455.

(d) An individual, other than an individual specified in par. (a), (b), or (c), who is approved by the marriage and family therapist

section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the marriage and family therapist section.

(4) Passes one or more examinations approved by the marriage and family therapist section to determine minimum competence to practice marriage and family therapy.

**History:** 1991 a. 160; 2001 a. 80; 2017 a. 357.

**Cross-reference:** See also chs. MPSW 15 and 16, Wis. adm. code.

#### 457.11 Marriage and family therapist training license.

(1) The marriage and family therapist section shall grant a marriage and family therapist training license to any individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Satisfies the requirements in s. 457.10 (2), or submits proof satisfactory to the marriage and family therapist section that he or she is enrolled or will be enrolled in an institute for marriage and family therapy that is approved by the commission on accreditation for marriage and family therapy education of the American Association for Marriage and Family Therapy or by the marriage and family therapist section, or holds a graduate degree in a mental health field approved by the marriage and family therapist section and is enrolled or will be enrolled in a master's or doctoral degree program in marriage and family therapy accredited by the commission on accreditation for marriage and family therapy education or by the marriage and family therapist section.

(d) Submits evidence satisfactory to the marriage and family therapist section that he or she is in a position, or has an offer for a position, as a marriage and family therapist in a supervised marriage and family therapist practice or is in a position, or has an offer for a position, in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a supervised marriage and family therapist practice.

(2) A marriage and family therapist training license is valid for 48 months and may be renewed at the discretion of the marriage and family therapist section. A marriage and family therapist training license authorizes the holder to use any title specified in s. 457.04 (5) and to practice marriage and family therapy within the scope of his or her training or supervision during the period in which the license is valid.

**History:** 2001 a. 80; 2005 a. 422.

**457.12 Professional counselor license.** The professional counselor section shall grant a professional counselor license to any individual who does all of the following:

(1) Satisfies the requirements in s. 457.06.

(2) Submits evidence satisfactory to the professional counselor section that he or she has received a master's or doctorate degree in professional counseling or its equivalent from a program approved by the professional counselor section.

(3) Submits evidence satisfactory to the professional counselor section that he or she has done any 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, supervised by one of the following:

1. An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

2. An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling practice.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules

promulgated by the examining board upon the advice of the professional counselor section.

(b) Received a doctorate degree in professional counseling or its equivalent, and, either during or after the doctorate degree program or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice supervised by one of the following:

1. An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

2. An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling practice.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the professional counselor section.

(4) Passes one or more examinations approved by the professional counselor section to determine minimum competence to practice professional counseling.

**History:** 1991 a. 160; 1993 a. 366; 2001 a. 80; 2017 a. 357.

**Cross-reference:** See also chs. MPSW 12 and 14 and s. MPSW 11.01, Wis. adm. code.

#### 457.13 Professional counselor training license.

(1) The professional counselor section shall grant a professional counselor training license to any individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Satisfies the requirements in s. 457.12 (2).

(d) Submits evidence satisfactory to the professional counselor section that he or she is in a position, or has an offer for a position, as a professional counselor in a supervised clinical professional counseling practice or is in a position, or has an offer for a position, in which the applicant will, in the opinion of the professional counselor section, receive training and supervision equivalent to the training and supervision received in a supervised clinical professional counseling practice.

(2) A professional counselor training license is valid for 48 months and may be renewed at the discretion of the professional counselor section. Notwithstanding s. 457.04 (6), a professional counselor training license authorizes the holder to use any title specified in s. 457.04 (6) and to practice professional counseling within the scope of his or her training or supervision during the period in which the license is valid.

**History:** 1993 a. 366; 2001 a. 80; 2005 a. 422.

**Cross-reference:** See also s. MPSW 11.015, Wis. adm. code.

**457.14 Temporary certificates and licenses.** (1) Upon application and payment of the fee specified in s. 440.05 (6), the appropriate section of the examining board may grant a temporary social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, or professional counselor certificate or license to any individual who does one of the following:

(a) Satisfies the requirements under s. 457.08 (1) (a) and (b) and has submitted an application to take the next available examination for certification under s. 457.08 (1) (c).

(b) Satisfies the requirements under s. 457.08 (2) (a) and (b) and has submitted an application to take the next available examination for certification under s. 457.08 (2) (c).

(c) Satisfies the requirements under s. 457.08 (3) (a) to (c) and has submitted an application to take the next available examination for certification under s. 457.08 (3) (d).

(d) Satisfies the requirements under s. 457.08 (4) (a) to (c) and has submitted an application to take the next available examination for licensure under s. 457.08 (4) (d).



(e) Satisfies the requirements under s. 457.10 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.10 (4).

(f) Satisfies the requirements under s. 457.12 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.12 (4).

(2) A temporary certificate or license granted under sub. (1) is valid for a period designated by the appropriate section of the examining board, not to exceed 9 months, and may be renewed once by that section of the examining board.

**History:** 1991 a. 160; 2001 a. 80; 2005 a. 422.

**Cross-reference:** See also ss. MPSW 3.11, 11.035, and 17.01, Wis. adm. code.

**457.15 Reciprocal certificates and licenses.** (1) Upon application and payment of the fee specified in s. 440.05 (2), the social worker section may do all of the following:

(a) Grant a social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (1).

(b) Grant an advanced practice social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to advanced practice social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (2).

(c) Grant an independent social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to independent social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (3).

(d) Grant a clinical social worker license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to clinical social work, if the social worker section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.08 (4).

(2) Upon application and payment of the fee specified in s. 440.05 (2), the marriage and family therapist section may grant a marriage and family therapist license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy, if the marriage and family therapist section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.10.

(3) Upon application and payment of the fee specified in s. 440.05 (2), the professional counselor section may grant a professional counselor license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the professional counselor section that tests knowledge of state law relating to professional counseling, if the professional counselor section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.12.

**History:** 1991 a. 160; 2001 a. 80.

**Cross-reference:** See also ss. MPSW 3.12, 11.04, and 17.02, Wis. adm. code.

The Examining Board may not require applicants for reciprocal certificates to pass an examination covering state law in the absence of a statutory requirement. Applicants for certificates under reciprocal certification must demonstrate that they obtained their certificates under a state law that was substantially equivalent to Wisconsin's educational, experience, and examination requirements. OAG 4–99.

**457.16 Examinations.** (1) The appropriate section of the examining board shall arrange for examinations for social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, and professional counselor certification and licensure to be conducted at least semi-annually and at times and places determined by that section of the examining board, and shall provide public notice of each examination at least 90 days before the date of the examination.

(2) Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, as appropriate, and may include an examination that tests an applicant's knowledge of state law relating to the relevant practice.

**History:** 1991 a. 160; 2001 a. 80; 2017 a. 330, 357.

**Cross-reference:** See also ch. MPSW 5, Wis. adm. code.

**457.20 Issuance of certificate; expiration and renewal.**

(1) The department shall issue a certificate of certification or licensure to each individual who is certified or licensed under this chapter.

(2) The renewal dates for certificates and licenses granted under this chapter, other than training certificates and licenses or temporary certificates or licenses, are specified under s. 440.08 (2) (a).

(3) Renewal applications shall be submitted to the department on a form provided by the department and shall be accompanied by all of the following:

(a) The renewal fee determined by the department under s. 440.03 (9) (a).

(b) Proof of completion of continuing education requirements in s. 457.22.

(c) If the application is for renewal of a professional counselor license that was originally granted as a professional counselor certificate under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the professional counselor section that the applicant continues to be employed by a federal, state, or local governmental agency as a professional counselor, professional rehabilitation counselor, vocational rehabilitation counselor, or rehabilitation counselor.

(4) Renewal of an advanced practice social worker, independent social worker, or clinical social worker certificate or license automatically renews the individual's social worker certificate without payment of the renewal fee for the social worker certificate or completion of the continuing education requirements that would otherwise be required for renewal of a social worker certificate.

**History:** 1991 a. 160; 1993 a. 366; 2001 a. 80; 2005 a. 422; 2007 a. 20.

**457.22 Continuing education.** (1) The examining board may do any of the following:

(a) Upon the advice of the social worker section, promulgate rules establishing requirements and procedures for social workers, advanced practice social workers, independent social workers, and clinical social workers to complete continuing education programs or courses of study in order to qualify for renewal.

(b) Upon the advice of the marriage and family therapist section, promulgate rules establishing requirements and procedures for marriage and family therapists to complete continuing education programs or courses of study in order to qualify for renewal.

(c) Upon the advice of the professional counselor section, promulgate rules establishing requirements and procedures for professional counselors to complete continuing education programs or courses of study in order to qualify for renewal.

(2) The rules promulgated under sub. (1) may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for renewal. The appropriate section of the examining board may waive all or part of the requirements established in rules promulgated under this section if it determines that prolonged illness, disability, or other exceptional circumstances have prevented the individual from completing the requirements.

**History:** 1991 a. 160; 2001 a. 80.

**Cross-reference:** See also ch. MPSW 19, Wis. adm. code.

**457.24 Professional liability insurance.** (1) Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor under this chapter may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance. The examining board shall promulgate rules establishing the minimum amount of insurance required under this subsection.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

**History:** 2001 a. 80.

**457.25 Reporting requirements.** (1) Any public or private mental health or health care agency, institution or facility, or any other person or entity that employs or contracts for services with a credential holder, that terminates, suspends, or restricts the employment or contract of the credential holder as a result of adverse or disciplinary action against the credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her employment before the action is taken, within 30 days after the date on which the credential holder terminates his or her employment.

(2) Any state or local professional society or organization of social workers, marriage and family therapists, or professional counselors that terminates, revokes, or suspends the membership of a credential holder, or takes any other adverse or disciplinary action against a credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her membership before the action is taken, within 30 days after the date on which the credential holder terminates his or her membership.

(3) Any insurer, as defined in s. 600.03 (27), who provides professional liability insurance coverage for a credential holder and who pays a claim for damages arising out of the rendering of services by the credential holder or obtains any information that tends to substantiate a charge that the credential holder has engaged in conduct that constitutes grounds for discipline under s. 457.26 shall submit a written report of the payment or information to the appropriate section of the examining board within 30

days after the date on which the payment is made or information is obtained.

(4) Any circuit court that appoints a guardian of the person or estate of a credential holder or makes a judgment or other determination that a credential holder is mentally ill or mentally incompetent or that a credential holder has done any of the acts enumerated in s. 457.26 (2) shall submit a written report of the appointment, judgment, or determination to the appropriate section of the examining board within 30 days after the date on which the appointment, judgment, or determination is made.

**History:** 1991 a. 160; 2001 a. 80; 2011 a. 146.

**457.26 Disciplinary proceedings and actions.** (1) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may reprimand a credential holder or deny, limit, suspend, or revoke a credential under this chapter if it finds that the applicant or credential holder has done any of the following:

(a) Made a material misstatement in an application for a credential or for renewal of a credential.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

(c) Advertised in a manner that is false, deceptive or misleading.

(d) Advertised, practiced or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling while his or her ability to practice was impaired by alcohol or other drugs.

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 457.03 (2).

(g) Performed social work, advanced practice social work, or independent social work services in violation of the rules promulgated under s. 457.03 (2) or otherwise engaged in conduct while practicing social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling which evidences a lack of knowledge or ability to apply professional principles or skills.

(gm) Violated the requirements of s. 253.10 (3) (c) 2., 3., 4., 5., 6. or 7.

(h) Violated this chapter or any rule promulgated under this chapter.

**History:** 1991 a. 160; 1995 a. 309; 2001 a. 80; 2017 a. 364 s. 49.

**457.28 Injunctive relief.** If the appropriate section of the examining board has reason to believe that any person is violating s. 457.04, the appropriate section of the examining board, the examining board, the department, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

**History:** 1991 a. 160.

## Chapter MPSW 1

### AUTHORITY AND PRACTICE

MPSW 1.01	Authority.
MPSW 1.02	Definitions.
MPSW 1.035	Rule-making.
MPSW 1.04	Application procedures for all sections of the board.
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MPSW 1.06	Examination review procedure for all sections of the board.
MPSW 1.07	Claims of examination error.
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MPSW 1.10	Professional liability insurance.
MPSW 1.11	Psychometric testing.

**Note:** Chapter SFC 1 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 1 was renumbered ch. MPSW 1 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 1.01 Authority.** This chapter is adopted pursuant to ss. 15.08 (5) (b), 15.405 (7c) (d) and 227.11 (2), Stats.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93.

**MPSW 1.02 Definitions.** In chs. MPSW 1 to 6 and 10 to 20:

(1) “AODA” means alcohol or other drug abuse.

(1g) “Board” means the marriage and family therapy, professional counseling, and social work examining board.

(1q) “Credential” means a certificate or a license granted by the board.

(2) “Department” means the department of safety and professional services.

(2d) “DSM” means the diagnostic and statistical manual of mental disorders and refers to the most recent edition.

(2h) “ICRC” means the international certification reciprocity consortium.

(2m) “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(3) “Section” means either the marriage and family therapist section, the professional counselor section, or the social worker section of the marriage and family therapy, professional counseling and social work examining board.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (intro.), Register, May, 1999, No. 521, eff. 6-1-99; CR 02-105: am. (intro.), (1), (3), cr. (1q), (2m), Register October 2002 No. 562, eff. 11-1-02; CR 04-044: renum. (1) to be (1g), cr. (1), (2d) and (2h) Register January 2005 No. 589, eff. 2-1-05; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2015 No. 710.

**MPSW 1.035 Rule-making.** (1) Except as provided in sub. (2), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

(2) The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest among the sections.

**History:** CR 15-082: cr. Register December 2016 No. 732, eff. 1-1-17.

**MPSW 1.04 Application procedures for all sections of the board.** An application for certification is incomplete until all materials requested are received by the board office, in English or accompanied by a certified English translation.

**Note:** The board’s mailing address is Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (2), Register October 2002 No. 562, eff. 11-1-02; CR 15-082: renum. (1) to 1.04, r. (2) Register December 2016 No. 732, eff. 1-1-17.

#### MPSW 1.05 Examination provisions for all sections.

(1) The board or its designee shall administer the examinations required of applicants for certification as a social worker, advanced practice social worker, or independent social worker, or for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(3) The examination process consists of a 2 part examination. Part I is an examination pertaining to the profession; part II is an examination on provisions of the Wisconsin Statutes and Administrative Code that pertain to the profession. Parts I and II of the examination administered under this chapter test entry level competency in the practice area for which the credential is sought. Parts I and II of the examination seek to determine that an applicant’s knowledge is sufficient to protect public health, safety and welfare.

(5) The board may deny release of grades or issuance of a credential if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

(6) Applicants shall pass each part of the examination. An applicant who fails either part I or part II of the examination shall retake that part of the examination. The passing grade on each part of the examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for part I of the examination.

(7) An applicant for certification as a social worker, advanced practice social worker, or independent social worker or for licensure as a clinical social worker, need not take part II of the examination if within the 5 years preceding the date of application, the applicant took and passed part II in the process of applying for and receiving another social worker credential from the section.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; r. (2) and (4), Register, October, 1998, No. 514, eff. 11-1-98; CR 01-064: cr. (7), Register December 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 and reinstatement procedures.** (1) **RENEWAL BY EXPIRATION DATE.** A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. 440.03 (9) (a), Stats. and attesting to completion of the continuing education required under s. MPSW 19.02.

(2) **RENEWAL WITHIN 5 YEARS.** If the credential is renewed after the expiration date and within 5 years of the expiration date, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. 440.03 (9) (a), Stats., attesting to completion of the continuing education required under s. MPSW 19.02, and paying a late renewal fee.

(3) **RENEWAL AFTER 5 YEARS OF RENEWAL DATE.** This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years of the renewal date by complying with all of the following:

- (a) Payment of the renewal fee determined by the department under s. 440.03 (9) (a) and the late renewal fee.
- (b) Evidence of one of the following:
  1. An active credential in good standing in another state.
  2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

(4) **REINSTATEMENT.** A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (3) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am., Register October 2002 No. 562, eff. 11-1-02; CR 17-080: r. and recr. Register August 2018 No. 752, eff. 9-1-18.

**MPSW 1.10 Professional liability insurance.**

(1) Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02.

**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.

(3) **REQUIREMENTS FOR PERFORMING PSYCHOMETRIC TESTING.** The competent use of a psychometric test requires that the licensee or person supervised by the licensee have the requisite knowledge, skills, training and experience needed to do all of the following:

- (a) Independently select and administer tests appropriate to the practice setting and area of practice.
- (b) Accurately administer, score, and interpret the test.
- (c) Understand and communicate the strengths and limitations of the test appropriate to the context in and purpose for which it is given.
- (d) Use culturally appropriate and sensitive instruments and norms.
- (e) Analyze the results within a broad context of information about the examinee's life.
- (f) Seek supervision or consultation as needed from any licensee who are authorized to perform psychometric testing under this subsection.

(4) **LICENSES AUTHORIZED TO PERFORM PSYCHOMETRIC TESTING.** Psychometric testing may be performed by the following individuals:

- (a) A psychologist licensed under ch. 455, Stats.
- (b) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker

who satisfies the requirements in sub. (5) (a) and is acting under the supervision of a licensed psychologist.

(c) A licensed marriage and family therapist, licensed professional counselor or licensed clinical social worker who satisfies the requirements in sub. (5) (a) and (b).

(d) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. (5) (a) and is acting under the supervision of another licensee of the board specified in par. (c).

**(5) EDUCATIONAL REQUIREMENTS FOR PERFORMING PSYCHOMETRIC TESTING WITHOUT SUPERVISION.** A person who meets the requirements in s. MPSW 1.11 (4) (b), (c) or (d) may engage in psychometric testing without supervision only if the appropriate section of the board has received and approved the following information demonstrating generic and specific qualifications to perform psychometric testing:

(a) Academic training at the graduate or postgraduate level from a regionally accredited program that covered:

1. Descriptive statistics.

2. Reliability and measurement error.
3. Validity and meaning of test scores.
4. Normative interpretation of test scores.
5. Selection of appropriate tests.
6. Test administration procedures.
7. Ethnic, racial, cultural, gender, age and linguistic variables.
8. Testing individuals with disabilities.

(b) A signed statement from a professional qualified to supervise psychometric testing as set forth in sub. (4) (a) and (c) that the supervised licensee meets the requirements to use psychometric tests as set forth in this subsection. A licensee determined to be qualified to use psychometric tests by prior affidavit is not required to resubmit a signed statement and is deemed to meet the requirements of pars. (a) and (b).

**(6) LICENSES QUALIFIED TO SUPERVISE PSYCHOMETRIC TESTING.** The only professionals qualified to supervise psychometric testing are licensed psychologists, licensed marriage and family therapists, licensed professional counselors, and licensed clinical social workers who meet the requirements in sub. (5) (a) and (b).

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02; CR 10-013: r. and recr. Register December 2010 No. 660, eff. 1-1-11.

## Chapter MPSW 2

### DEFINITIONS FOR PRACTICE OF SOCIAL WORK

#### MPSW 2.01 Definitions.

**Note:** Chapter SFC 2 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 2 was renumbered ch. MPSW 2 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 2.01 Definitions.** In chs. MPSW 2 to 6:

(1) “Accredited” means accredited by the council on social work education.

(2) “Certified advanced practice social worker” means a person who holds a certificate under s. 457.08 (2), Stats.

(4) “Certified independent social worker” means a person who holds a certificate under s. 457.08 (3), Stats.

(5) “Certified social worker” means a person who holds a certificate under s. 457.08 (1) or 457.09, Stats.

(6) “Client” means the individual, group, business, agency, school, organization, or association for whom the social worker provides professional services. The term “client” includes the term and concept of “patient.”

(7) “Clinical field training” means a minimum of one academic year in the supervised practice of clinical social work services consisting of assessment; diagnosis; treatment, including psychotherapy and counseling; client-centered advocacy; consultation; and evaluation. “Clinical field training” does not include indirect social work service, administrative, research, or other practice emphasis.

(8) “Clinical social work practice” means providing services for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, to restore, maintain, and enhance social functioning through treatment interventions that include psychosocial evaluation, counseling of individuals, families, or groups, referral to community resources, advocacy, facilitation of organizational change to meet social needs, and individual, marital, or group psychotherapy.

(9) “Clinical social work concentration” means a course of study with a primary focus on resolving intrapsychic and interpersonal problems by means of direct contact with clients at the individual, small group and family level. A concentration on community or organizational problems, social planning or policy development does not constitute a clinical social work concentration. To qualify as a master’s or doctoral degree in social work with a concentration in clinical social work, the course of study shall include one course in psychopathology and social work and, from among the following, 2 theory and practice courses:

(a) Case management.

(c) Clinical assessment and treatment of specific populations and problems, such as children, adolescent, elderly, alcohol and drug abuse, family or couples relationships.

(d) Psychopharmacology.

(e) Psychotherapeutic interventions.

(f) Electives such as family therapy, social work with groups, sex- or gender-related issues and topics.

(10) “Counseling” means the process of identifying and providing options for the resolution or mitigation of an undesired circumstance. Counseling characteristically involves the provision of education, support, advice, guidance, or assistance with planning, and other services of a similar character but does not necessarily involve a long term counselor-client relationship.

(11) “Interpersonal” means between 2 or among 3 or more individuals or groups.

(12) “Intrapsychic” means occurring within one’s personality or psyche.

(12m) “Licensed clinical social worker” means a person who holds a license under s. 457.08 (4), Stats.

(13) “Primary clinical setting” means a facility, or a unit within a facility, whose primary purpose is to treat persons with a DSM diagnosis.

(15) “Regionally accredited college or university” means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the north central association of colleges and schools, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges.

(16) “Social worker” has the meaning given in s. 457.01 (10), Stats., and is interpreted to be a general term describing all persons who hold any certificate or license under s. 458.08, Stats., or any rules adopted pursuant to s. 457.03 (3), Stats., establishing levels of social work practice.

(17) “Supervised clinical field training” means training in a primary clinical setting which must include at least 2 semesters of field placement where more than 50% of the practice is to assess and treat interpersonal and intrapsychic issues in direct contact with individuals, families or small groups.

(18) “Supervision” means supervision of the professional practice of social work in the applied skills of the profession.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (5), Register, November, 1996, No. 491, eff. 12-1-96; CR 00-147: r. and recr. (9), renum. (11), (12), (13), (14) and (15) to be (14), (15), (16), (18) and (19), and cr. (11), (12), (13), and (17), Register August 2001 No. 548, eff. 9-1-01; CR 02-105: am. (intro.), (8), (11), (13) and (16), renum. (3) to be (12m) and am., r. (19), Register October 2002 No. 562, eff. 11-1-02; CR 05-042: am. (9) (intro.), r. (9) (b) Register December 2005 No. 600, eff. 1-1-06; CR 13-118: r. (14) Register September 2014 No. 705, eff. 10-1-14; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2015 No. 710; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2017 No. 739.

## Chapter MPSW 3

### APPLICATION FOR SOCIAL WORKER CERTIFICATION OR LICENSURE

MPSW 3.01	Application for certification as a social worker.	MPSW 3.11	Temporary certificate or license.
MPSW 3.05	Application for certification as an advanced practice social worker.	MPSW 3.12	Reciprocal certificate or license.
MPSW 3.07	Application for certification as an independent social worker.	MPSW 3.13	Social worker training certificate.
MPSW 3.09	Application for licensure as a clinical social worker.		

**Note:** Chapter SFC 3 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 3 was renumbered ch. MPSW 3 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., *Register* October 2002 No. 562.

**MPSW 3.01 Application for certification as a social worker.** In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification as a social worker shall submit a completed, signed application form together with:

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a bachelor's, master's or doctoral degree in social work.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

(3) Verification of successful completion of the examination required.

(4) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(5) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. *Register*, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (4), *Register* October 2002 No. 562, eff. 11-1-02; CR 03-090: am. (2) *Register* June 2004 No. 582, eff. 7-1-04.

**MPSW 3.05 Application for certification as an advanced practice social worker.** In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification as an advanced practice social worker shall submit the completed, signed application form and:

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Lan-

guage (TOEFL) or an equivalent score on an equivalent examination.

(3) Verification of successful completion of the examination required.

(4) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(5) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. *Register*, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (4), *Register* October 2002 No. 562, eff. 11-1-02; CR 03-090: am. (2) *Register* June 2004 No. 582, eff. 7-1-04.

**MPSW 3.07 Application for certification as an independent social worker.** In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification as an independent social worker shall submit the completed, signed application form and:

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

(3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has obtained at least 3,000 hours of social work practice in no less than 2 years under the supervision of a supervisor approved by the social worker section. Pre-certification supervised practice shall meet the criteria under s. MPSW 4.01.

(4) Verification of successful completion of the examination approved by the section, or verification that the applicant has obtained certification of the Academy of Certified Social Workers (ACSW) of the National Association of Social Workers.

(5) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(6) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. *Register*, November, 1993, No. 455, eff. 12-1-93; CR 01-153: am. (3), *Register* July 2002 No. 559, eff. 1-1-03; CR 02-105: am. (3) and (5), *Register* October 2002 No. 562, eff. 11-1-02; reprinted to restore dropped copy in (3), *Regis-*

ter January 2003 No. 565; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04.

**MPSW 3.09 Application for licensure as a clinical social worker.** In addition to paying the fee under s. 440.05 (1), Stats., an applicant for licensure as a clinical social worker shall submit the completed, signed application form and:

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work with a concentration in clinical social work, including completion of supervised clinical field training. In lieu of supervised clinical field training, applicants may submit an affidavit indicating that they have completed 1,500 hours of supervised clinical social work experience in not less than one year within a primary clinical setting, which includes at least 500 hours of face-to-face client contact and is supervised as provided in s. MPSW 4.01.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

(3) Except as provided in sub. (3m), an affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker or an independent social worker, has completed at least 3,000 hours of clinical social work practice in no less than 2 years, including at least 1,000 hours of face-to-face client contact and including DSM diagnosis and treatment of individuals, under the supervision of a supervisor approved by the social worker section. Pre-licensed supervised practice shall meet the criteria under s. MPSW 4.01.

(3m) An applicant who after receiving a master's or doctoral degree in social work and completing any portion of the applicant's 3,000 hours of supervised clinical social work practice outside of Wisconsin in no less than 2 years may be given credit for those hours provided they included at least 1,000 hours of face-to-face client contact, or a proportionate number thereof, and also included DSM diagnosis and treatment of individuals, completed under the supervision of a supervisor acceptable to the social worker section.

(4) Verification of successful completion of the examination approved by the section, or verification that the applicant is a board certified diplomat (BCD) of the American Board of Examiners in clinical social work.

(5) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(6) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-153: am. (3), Register July 2002 No. 559, eff. 1-1-03; CR 02-105: am. (intro.), (3) and (5), Register October 2002 No. 562, eff. 11-1-02; reprinted to restore dropped copy in (3), Register January 2003 No. 565; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04; CR 05-042: am. (1) Register December 2005 No. 600, eff. 1-1-06; CR 08-089: am. (3), cr. (3m) Register June 2009 No. 642, eff. 7-1-09.

### MPSW 3.11 Temporary certificate or license.

(1) The social worker section may issue a temporary certificate permitting the use of the title "social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qual-

ifications for the social worker certificate except for passing the required examination.

(2) The social worker section may issue a temporary certificate permitting the use of the title "advanced practice social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the advanced practice social worker certificate except for passing the required examination.

(3) The social worker section may issue a temporary certificate permitting the use of the title "independent social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the independent social worker certificate except for passing the required examination.

(4) The social worker section may issue a temporary license permitting the practice of clinical social work and the use of the title "clinical social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the clinical social worker license except for passing the required examination.

(5) The temporary credential expires upon notification of successful completion of the examination or expiration of the 9 month period, whichever is earlier. The temporary credential may be renewed once.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. Register, December, 1995, No. 480, eff. 1-1-96; CR 01-095: am. Register March 2002 No. 555, eff. 4-1-02; CR 02-105: r. and recr., Register October 2002 No. 562, eff. 11-1-02; CR 05-041: am. (5) Register December 2005 No. 600, eff. 1-1-06; CR 13-094: am. (5) Register September 2014 No. 705, eff. 10-14.

### MPSW 3.12 Reciprocal certificate or license.

(1) The social worker section shall grant a certificate as a social worker under s. 457.08 (1), 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:

(a) The applicant has a current credential as a social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of the certificate under s. 457.08 (1), Stats.

(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

(2) The social worker section shall grant a certificate as an advanced practice social worker under s. 457.08 (1) and (2), 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:

(a) The applicant has a current credential as an advanced practice social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate under s. 457.08 (2), Stats.



(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant or by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under an advanced practice social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

**(3)** The social worker section shall grant a certificate as an independent social worker under s. 457.08 (1) and (3), 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:

(a) The applicant has a current credential as an independent social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate under s. 457.08 (3), Stats.

(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under an independent social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

**(4)** The social worker section shall grant a license as a clinical social worker under s. 457.08 (1) and (4), Stats., to an applicant who pays the fee required under s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(a) The applicant has a current credential as a clinical social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for granting the credential in the other state or territory of the United States are substantially equivalent to the requirements for granting a license under s. 457.08 (4), Stats.

(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under an independent clinical social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

**History:** Cr. Register November, 1994, No. 467, eff. 12-1-94; CR 02-105: cr. (1) (e), (2) (e), (3) (e) and (4) (e), am. (intro.), (a) and (b), Register October 2002 No. 562, eff. 11-1-02.

### **MPSW 3.13 Social worker training certificate.**

**(1) APPLICATION REQUIREMENTS.** The social worker section shall grant a training certificate to an applicant who submits the fee under s. 440.05 (6), Stats., together with the completed, signed application form and all of the following:

(a) A certified transcript of professional education verifying that the applicant has a bachelor's degree in psychology, sociology, criminal justice or another human service program approved by the section from a college or university accredited by an accrediting body nationally recognized by the secretary of the United States department of education. The certified transcript shall be sent directly to the section by the college or university.

1. To qualify as "another human service program approved by the section" under s. 457.09 (1) (c), Stats., the program shall award a bachelor's degree and be one of the following:

a. An organized course of study recognized by the section to contain all five social worker equivalency courses in s. MPSW 3.13 (2) and a course designated as a senior seminar or capstone course.

b. An organized course of study entitled on the transcript as a human services major.

c. Accredited by any accrediting organization recognized by the Council for Higher Education Accreditation (CHEA) for programs awarding bachelor's degrees with a major in "human services".

2. In subd. 1. b., "human services major" means a major which includes all the following courses:

a. An introductory course which contains a general overview of the field of human services, including origins, career opportunities and techniques and methods of helping individuals and groups in need.

b. A course with significant content in professional ethics and values, including confidentiality, boundaries and values in human services occupations.

c. A course with content in qualitative and quantitative social research methods and statistics.

d. A course designated as a senior seminar or capstone course. The capstone course may be an internship with the seminar in which the training certificate applicant is evaluated to have attained the competencies specified in sub. (3m).

3. The applicant shall have obtained a grade point average of 2.5 or greater in the major completed in the program under subd. 1. a., 1. b. or 1. c.

(b) Verification that the applicant is seeking to attain social worker degree equivalency under s. 457.09 (4), Stats., during the period in which the certificate is valid.

(c) Information requested by the section relating to any convictions or pending charges against the applicant for any criminal or traffic offenses.

**Note:** Application forms are available upon request to the Social Worker Section at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**(2) SOCIAL WORKER DEGREE EQUIVALENCY.** To attain social worker degree equivalency to a bachelor's degree in social work under the terms of s. 457.09 (4) and (4m) (b), Stats., and to qualify to take the national social work examination, a social worker training certificate holder shall demonstrate by certified transcript from an accredited college or university, sent directly to the section, that the applicant has successfully completed with a minimum of a C grade at least a total of 5 courses, each consisting of

a minimum of either 3 semester hours or 4 quarter hours of academic credit. Courses shall be taught by an instructor who holds a master's degree or a PhD in social work from an institution accredited by the Council on Social Work Education unless otherwise approved by the section. The courses shall use a textbook written by a social work educator for social work courses as a primary text, unless otherwise approved by the section. At least three of these courses shall be taken at the same institution, and shall be distributed among the following subject areas:

(a) *Social welfare policy and services.* At least one course of at least 3 semester hours or 4 quarter hours academic credit. Qualifying course work in this area shall include the history, mission and philosophy of the social work profession, the impact of social policy on health and well-being, the effect of social policy on social work practice, current social policy analysis, political and organizational processes used to influence policy, the process of policy formulation, and the framework for current social policy analysis in light of the principles of social and economic justice.

(b) *Social work practice methods with individuals, families, small groups, communities, organizations and social institutions – generalist practice methods.* At least 3 courses each consisting of at least 3 semester hours or 4 quarter hours academic credit. Qualifying coursework in these areas shall substantively and effectively prepare the student for action to engage with, assess, intervene with, and evaluate individuals, families, groups, organizations, and communities. The social work practice methods taught shall be evidence-based, and shall emphasize client strengths. Each course shall have infused throughout the curriculum significant course content on social work values, ethics, approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds; and systems of all sizes. The content of the three courses shall be coordinated by the college or university to cover the material described below and demonstrate that within the curriculum of the three courses, students shall learn:

1. Of the three required social work methods courses, a course in each of the following: social work practice with individuals, social work practice with groups and families, and social work practice with communities, organizations, and social institutions.

2. Practice content which emphasizes professional relationships that are characterized by mutuality, collaboration, respect for the client system and incorporates use of professional social work supervision. Coursework shall prepare a student to do all of the following:

- a. Use empathy and other interpersonal skills with clients.
- b. Develop with the client a mutually agreed upon focus of work and desired outcomes.
- c. Collect, organize, and interpret client data.
- d. Develop mutually agreed upon intervention goals and objectives.
- e. Select appropriate intervention strategies.
- f. Initiate actions to achieve organizational goals.
- g. Implement prevention interventions that enhance client capacities.
- h. Help clients resolve problems.
- i. Negotiate, mediate, and advocate for clients.
- j. Facilitate transitions and endings.
- k. Critically analyze, monitor, and evaluate interventions.

3. Practice assessment which focuses on the examination of client strengths and problems in the interaction among individuals and between people and their environments.

4. Knowledge, values and skills to enhance human well-being and amelioration of the environmental conditions that affect people adversely.

5. Approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds and with systems of all sizes.

6. Differential assessments and intervention skills to serve diverse at-risk populations.

7. An evaluation of the student's ability to demonstrate competence in interviewing, using empathy and interpersonal skills. The student shall be able to demonstrate skill in collecting, organizing, and interpreting client data; assessing client strengths and limitations; developing mutually agreed upon intervention goals and objectives; and selecting appropriate intervention strategies.

8. Each social work methods course shall include content on social work values and ethics including the application of the standards of the National Association of Social Workers Code of Ethics to Social Work practice.

9. Each social work methods course shall include content on cultural competence in social work practice, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice.

(c) *Human behavior in the social environment, including human growth and development, and social systems theory.* At least one course of at least 3 semester hours or 4 quarter hours academic credit. Qualifying course work in this area shall include theories and knowledge of human biological, sociological, cultural, psychological, and spiritual development across the life span; the range of social systems, including individual, family, group, organizational, and community, in which people live, and the ways social systems promote or deter people in maintaining or achieving health and well-being.

**(3) INTERNSHIP AND EMPLOYMENT.** To qualify to take the national social work examination, a training certificate holder shall demonstrate to the section, by written certification from his or her supervisor sent directly to the section, that he or she engaged in and successfully completed one of the following:

(a) 1. A human services internship of at least 400 hours that was part of the program leading to the degree the certificate holder specified to satisfy the requirement in s. 457.09 (1) (c) and (4m) (b), Stats., or completed while holding the training certificate, and involved direct practice with clients and that was supervised by a social worker certified under s. 457.08, Stats., and who has a bachelor's or master's degree in social work and provides direct, on-site supervision of the intern. A human services internship shall be under the auspices of an accredited college or university.

2. A human services internship completed prior to August 1, 1995, that otherwise qualifies under par. (a), may be approved by the section if it was supervised by a person holding a bachelor's or master's degree in social work and in good professional standing, but who was not certified under s. 457.08, Stats.

(b) One year of social work employment completed while holding the training certificate, which involved at least 400 hours of face-to-face client contact in not less than 12 months, and that was supervised by a social worker certified under s. 457.08, Stats., who has a bachelor's or master's degree in social work and who provides direct, on-site supervision of the certificate holder during the time the certificate holder is at work.

**(3m) DEMONSTRATED COMPETENCY.** A human services internship or one year of social work employment shall be approved by the section provided that the supervising social worker certifies on forms provided by the department that the internship or employment provided training and experience, and the applicant demonstrated competency, in each of the following areas:

(a) Demonstrate the ability to: engage, assess, intervene, and evaluate individuals, families, groups, organizations, and communities in regard to strengths and difficulties in biological, psychological, sociological, cultural, and spiritual functioning.

(b) Demonstrate intervention skills, including: collecting, organizing, and interpreting client data; assessing client strengths and limitations; using empathy and other interpersonal skills; developing mutually agreed upon intervention goals and objectives; determining and implementing appropriate intervention

strategies; and referring clients to other qualified resources when appropriate.

(c) Develop a mutually agreed upon focus of work and desired outcomes, which may include: implementing prevention interventions that enhance client outcomes; helping clients resolve problems; negotiating, mediating, and advocating for clients; and facilitating transitions and endings; referring to community resources; facilitating organizational change to meet social needs based on evaluation and assessment as described in par. (a); and critically analyze, monitor, and evaluate interventions.

(d) Knowledge of other disciplines and resources relevant to the evaluation of clients, plans and policies to alleviate client difficulties, and intervention planning.

(e) Demonstrate cultural competence, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice, by intervening effectively on behalf of diverse populations and populations most vulnerable and discriminated against; providing culturally competent services, and collaborating with others to develop services.

(f) Make ethical decisions by applying standards of the National Association of Social Workers Code of Ethics in the delivery of social work services to clients, and applying relevant Wisconsin laws and administrative rules, as applicable.

**(4) SUPERVISION REQUIREMENTS.** In addition to the minimum qualifications for supervisors specified in sub. (3), supervision of qualifying human services internship or employment shall include the direction of social work practice in a face-to-face individual session of at least one hour duration during each week of supervised practice of social work, and shall further comply with s. MPSW 4.01 (1) and (3). Supervision may be exercised by a person other than an employment supervisor. For supervised educational internships or employment experiences that begin 6

months after the effective date of this rule change, the supervisor and student or employee shall complete and sign a learning contract within the first 40 hours of the internship or employment that shall describe the goals of the student or employee's supervised experience and list basic expectations for both the applicant and the supervisor.

**(5) GRANTING SOCIAL WORKER CERTIFICATION.** Subject to s. 457.26 (2), Stats., the section shall grant a social worker certificate to a training certificate holder who has demonstrated social worker degree equivalency, completed a supervised human services internship or social work employment, and passed the national social worker examination and state law examination, all as required under this section and s. 457.09, Stats.

**(6) APPROVAL OF COURSES FOR SOCIAL WORKER DEGREE EQUIVALENCY.** (a) The section may approve in advance courses offered by an accredited college or university which may be taken by a social worker training certificate holder to satisfy the requirements of sub. (2) (a) to (c).

(b) To obtain advance section approval under par. (a), an accredited college or university shall submit course syllabi at least 6 months prior to the commencement of the class. Section approval shall continue for 2 years unless the course content, format, delivery method, or instructor changes. After 2 years, course syllabi shall be resubmitted for approval.

**History:** Cr. Register, November, 1996, No. 491, eff. 12-1-96; cr. (1) (a) 1. to 3., am. (3) (a) (intro.) and (b) (intro.), Register, February, 2000, No. 530, eff. 3-1-00; CR 01-059: cr. (6), Register March 2002 No. 555, eff. 4-1-02; CR 05-098: am. (3) (a) Register September 2006 No. 609, eff. 10-1-06; CR 08-089: am. (3) (a) (intro.) Register June 2009 No. 642, eff. 7-1-09; CR 11-028: r. and recr. (1) (a) 1., am. (2) (intro.), (b) (intro.), (c), (4), (6) (b), renum. (2) (b) 1., (3) (b) (intro.) to be (2) (b) 2., (3) (b) and am., renum. (2) (b) 2., 3., 4., (3) (a) (intro.) to be (2) (b) 3., 4., 5., (3) (a) 1., r. (2) (b) 5., (3) (a) 1., (b) 1., 2., cr. (2) (b) 1., 7., 8., 9., (3m) Register September 2011 No. 669, eff. 10-1-11; corrections in (3) (a) 1. and (3m) (c) made under s. 13.92 (4) (b) 7., Stats., Register September 2011 No. 669.

## Chapter MPSW 4

### SUPERVISED PRE-CERTIFICATION AND PRE-LICENSURE SOCIAL WORK PRACTICE

#### MPSW 4.01 Supervised pre-certification and pre-licensure social work practice.

**Note:** Chapter SFC 4 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 4 was renumbered ch. MPSW 4 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 4.01 Supervised pre-certification and pre-licensure social work practice.** (1) Supervision of pre-certification or pre-licensure practice of social work under s. 457.08 (3) (c) and (4) (c), Stats., shall include the direction of social work practice in face-to-face individual or groups sessions of at least one hour duration during each week of supervised practice of social work. Such supervision may be exercised by a person other than an employment supervisor. The one hour per week supervision requirement may be averaged out over the course of the period of supervision. The supervisor may exercise discretion as to the frequency, duration, and intensity of the supervision sessions to meet an average of one hour supervised session per week during the supervision period. The person supervising the pre-certification or pre-licensure practice of social work shall have adequate training, knowledge and skill to competently supervise any social work service that a social worker undertakes. Supervision of the professional practice of social work in the applied skills of the profession may be exercised by a person other than an employment supervisor. The supervisor may not permit a supervisee to engage in any social work practice that the supervisor cannot competently supervise. All supervisors shall be legally and ethically responsible for the activities of the social work supervisee. Supervisors shall 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, and to terminate the supervised relationship if necessary.

(2) If supervision is provided in group sessions, the group shall consist of no more than 6 persons receiving supervision for every one person providing supervision, and may not credit any time which is primarily social activity with the group or supervisor as part of a supervision session. A supervision session 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.

(3) A period of supervised practice of social work shall include, but not be limited to, practice in each of the following activities:

- (a) Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual;
- (b) Developing plans or policies to alleviate those difficulties.
- (c) Intervention, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

(4) At the end of the period of supervised practice, the candidate for certification shall have demonstrated to the candidate's supervisor competence in each of the activities listed in sub. (3).

(5) For applications for licensure as an independent social worker received after November 1, 2002, supervision may be exercised by any of the following:

- (a) A licensed clinical social worker with a master's or doctorate degree in social work.
- (b) A certified independent social worker with a master's or doctorate degree in social work.
- (c) An individual, other than an individual specified in par. (a) or (b) who is approved in advance by the social worker section.

(6) For applications for licensure as a clinical social worker received after November 1, 2002, supervision may be exercised by any of the following:

- (a) An individual licensed as a clinical social worker who has received a doctorate degree in social work.
- (b) An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.
- (c) A psychiatrist or a psychologist licensed under ch. 455, Stats.
- (d) An individual licensed as a clinical social worker who has received a master's degree in social work.

(e) An individual, other than an individual specified in par. (a), (b) or (c), who is approved in advance by the social worker section.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-020: am. (1) (b) 1. and 2., Register December 2001 No. 552, eff. 1-1-02; CR 02-105: am. (1), r. (1) (a), (b) and (4), cr. (5) and (6), Register October 2002 No. 562, eff. 11-1-02; CR 03-098: am. (3) (b) and (c) Register January 2005 No. 589, eff. 2-1-05.

## Chapter MPSW 5

### SOCIAL WORK EXAMINATIONS

#### MPSW 5.01 Examination.

**Note:** Chapter SFC 5 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 5 was renumbered ch. MPSW 5 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

**MPSW 5.01 Examination. (1)** An applicant for certification as a social worker, advanced practice social worker, or independent social worker or for licensure as a clinical social worker shall pass all parts of the examination required by the social worker section, unless the applicant is exempt from the examination requirement.

**(2)** An applicant for certification as a social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree.

**(3)** An applicant for certification as an advanced practice social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an

examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree.

**(4)** An applicant for certification as an independent social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

**(5)** An applicant for licensure as a clinical social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

**Note:** A listing of the examinations approved by the social worker section may be obtained from the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, c/o the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935.

**History:** Cr. [Register, November, 1992, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. (1) to (5), [Register October 2002 No. 562](#), eff. 11-1-02; [CR 14-057](#): am. (2), (3), [Register December 2016 No. 732](#), eff. 1-1-17.

## Chapter MPSW 10

### DEFINITIONS FOR PRACTICE OF PROFESSIONAL COUNSELING

#### MPSW 10.01 Definitions.

**Note:** Chapter SFC 10 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 10 was renumbered ch. MPSW 10 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

**MPSW 10.01 Definitions.** In chs. [MPSW 10](#) to [14](#):

(1) “Client” means the individual, family, group, business, agency, school, organization, or association for whom the license holder provides professional services for which the license holder is usually and customarily compensated. The term “client” includes the term and concept of “patient.”

(1m) “DSM” refers to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

(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.

(5) “Regionally accredited college or university” means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the north central association of colleges and schools, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges. Applicants for licensure shall prove that the college or university at

which the applicant completed course work on which the applicant relies for licensure eligibility was regionally accredited at the time the applicant completed the course work.

(6) “Supervision” means the direction of professional counseling practice in face-to-face individual or group sessions lasting an average of at least one hour between the person whose practice is being supervised and the person who is providing the supervision of the practice, during each week that the person seeking licensure practices professional counseling.

**Note:** Sub. (6) is repealed and recreated effective 9-1-18 to read:

(6) “Supervision” is a means of transmitting the skills, knowledge, and attitudes of a particular profession to the next generation of that profession. The supervisory relationship is evaluative, extends over time, and enhances the professional functioning of the developing professional. The supervisor shall monitor the quality of services offered by the supervisee with the purpose of enhancing the quality of skills and services provided by the counselor-in-training. Furthermore, the supervisor shall monitor and provide clinical oversight of the professional services rendered by the counselor-in-training to ensure ethical delivery of services and protection of public health and welfare.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; renum. (2) to (6) to be (4) to (8), cr. (2) and (3), [Register, January, 1995, No. 469](#), eff. 2-1-95; [CR 02-150](#): am. (1), (5) and (6), r. (4), (7) and (8), [Register October 2002 No. 562](#), eff. 11-1-02; [CR 03-058](#): cr. (1m) and (3m) [Register June 2004 No. 582](#), eff. 7-1-04; [CR 07-048](#): r. (2) and (3) [Register March 2008 No. 627](#), eff. 4-1-08; [CR 13-009](#): r. and recr. (6) [Register April 2014 No. 700](#), eff. 9-1-18; [CR 13-118](#): r. (3m) [Register September 2014 No. 705](#), eff. 10-1-14; [CR 16-009](#): cr. (2) [Register January 2018 No. 745](#), eff. 2-1-18.

## Chapter MPSW 11

### APPLICATION FOR PROFESSIONAL COUNSELOR LICENSURE

**MPSW 11.01** Application for licensure as a professional counselor.  
**MPSW 11.015** Application for a professional counselor training license.

**MPSW 11.035** Temporary license.  
**MPSW 11.04** Reciprocal license.

**Note:** Chapter SFC 11 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 11 was renumbered ch. MPSW 11 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**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 s. 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 cir-

cumstances substantially relate to professional counseling, subject to ss. 111.321, 111.322, and 111.335, Stats.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (1) (intro.), (a), (e) and (f) Register October 2002 No. 562, eff. 11-1-02; CR 03-090: am. (1) (b) Register June 2004 No. 582, eff. 7-1-04; CR 08-088: am. (1) (b) Register June 2009 No. 642, eff. 7-1-09; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18; correction in (3) (b) made under s. 35.17, Stats., Register January 2018 No. 745.

**MPSW 11.015 Application for a professional counselor training license.** (1) The professional counselor section shall grant a professional counselor training license to any individual who does all of the following:

(a) Submits a completed, signed application form.

(b) Pays the fee specified in s. 440.05 (6), Stats.

(c) Satisfies the requirements in s. 457.12 (2), Stats.

(d) Submits evidence satisfactory to the professional counselor section of one of the following:

1. The applicant is in a position or has an offer for a position as a professional counselor in a supervised clinical professional counseling practice.

2. The applicant is in a position or has an offer for a position in which the applicant will, in the opinion of the professional counselor section, receive training and supervision equivalent to the training and supervision received in a supervised clinical professional counseling practice.

(2) A professional counselor training license is valid for 48 months and may be renewed at the discretion of the professional counselor section.

**History:** Cr. Register, January, 1995, No. 469, eff. 2-1-95; CR 01-027: m. to be (1), cr. (2), Register December 2001 No. 552, eff. 1-1-02; CR 07-048: r. and recr. Register March 2008 No. 627, eff. 4-1-08.

**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.

**History:** Cr. Register, October, 1998, No. 514, eff. 11-1-98; CR 02-105: am. Register October 2002 No. 562, eff. 11-1-02; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18.

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

(1) The applicant has a current credential as a professional counselor or the substantial equivalent in good standing in another state or territory of the United States.

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

(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.

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 02-105: am. (intro.), (2) and (4), cr. (5), Register October 2002 No. 562, eff. 11-1-02; CR 16-009: am. (intro.), (2), r. and recr. (3) to (5) Register January 2018 No. 745, eff. 2-1-18.



## Chapter MPSW 12

### PROFESSIONAL COUNSELOR SUPERVISED PRACTICE

MPSW 12.01 Supervised practice requirement.

MPSW 12.02 Supervised practice.

**Note:** Chapter SFC 12 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 12 was renumbered ch. MPSW 12 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

#### MPSW 12.01 Supervised practice requirement.

(1) Except as provided in sub. (3), 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.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93, am. (1) (intro.), [Register, November, 1994, No. 467](#), eff. 12-1-94; [CR 02-105: r. and recr. Register October 2002 No. 562](#), eff. 11-1-02; [CR 08-088: renum. \(intro.\), \(1\) and \(2\) to be \(1\), \(2\) and \(3\) and am. \(1\), cr. \(4\) and \(5\) Register June 2009 No. 642](#), eff. 7-1-09; [CR 16-009: r. and recr. Register January 2018 No. 745](#), eff. 2-1-18; [correction in \(1\) made under s. 13.92 \(4\) \(b\) 7., Stats., Register January 2018 No. 745](#).

**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.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 01-026: am. \(2\), r. \(2\) \(b\) and \(d\), Register December 2001 No. 552](#), eff. 1-1-02; [CR 02-105: r. and recr. \(2\) Register October 2002 No. 562](#), eff. 11-1-02; [CR 16-009: r. and recr. Register January 2018 No. 745](#), eff. 2-1-18.

## Chapter MPSW 14

### CONTINUING EDUCATION FOR PROFESSIONAL COUNSELORS AND EQUIVALENCY OF PROFESSIONAL COUNSELOR ACADEMIC PROGRAMS

**MPSW 14.01** Academic program equivalent to a master's degree in professional counseling.

**MPSW 14.02** Academic program equivalent to a doctorate in professional counseling.

**Note:** Chapter SFC 14 was created as an emergency rule effective April 26, 1993.  
**Note:** Chapter SFC 14 was renumbered ch. MPSW 14 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 14.01 Academic program equivalent to a master's degree in professional counseling.** An academic program is the equivalent of a master's degree in professional counseling or rehabilitation counseling from an approved institution if the completed program meets 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 master's degree or doctoral degree in a field closely related to professional counseling or rehabilitation counseling.

(2) All course work reflected on the applicant's official transcript totals at least 60 semester hours or 90 quarter hours of academic credit. The course work included successful completion of all of the following:

(a) At least 3 semester hours or 4 quarter hours academic credit in a supervised practicum counseling experience that provides documented proof of a minimum of 100 hours of supervised practicum experience with at least 40 hours of face-to-face client contact. The practicum experience includes evaluation of the student's counseling performance throughout the practicum and one hour per week of individual or triadic supervision throughout the practicum by a program faculty member, an approved student supervisor, or a site supervisor. The practicum experience further includes an average of 1½ hours per week of group supervision that is provided on a regular schedule throughout the practicum by a program faculty member or a student supervisor.

(b) At least 6 semester hours or 8 quarter hours academic credit in a supervised internship counseling experience that provides documented proof of a minimum of 600 hours of supervised internship experience with at least 240 hours of face-to-face client contact. The internship experience includes evaluation of the student's counseling performance throughout the internship and one hour per week of individual or triadic supervision throughout the internship performed by the onsite or field supervisor. The internship experience further includes an average of 1 1/2 hours per week of group supervision that is provided on a regular schedule throughout the internship by a program faculty member or a student supervisor.

(c) At least 3 semester hours or 4 quarter hours academic credit in a counseling theory or counseling approaches course that provides documented evidence that the student has been exposed to a variety of theoretical models that are consistent with current research and practice in the field. Courses covering only a single or specific counseling theory will not be sufficient for meeting this educational criterion.

(d) At least 3 semester hours or 4 quarter hours of academic credit in each of the following topic areas:

1. 'Human growth and development.' Studies that provide a broad understanding of the nature and needs of individuals at all developmental levels; normal and abnormal human behavior; personality theory; theories of individual and family development

and transitions; theories for facilitating optimal development and wellness across the life span; and learning theory within appropriate cultural contexts. Courses that focus on only one lifespan developmental level will not count in fulfilling this criterion.

2. 'Social and cultural foundations.' Studies that provide a broad understanding of societal changes and trends; human roles; societal subgroups, social mores and interaction patterns; counselors' roles in developing cultural self-awareness; promoting cultural social justice, advocacy and conflict resolution, and other culturally supported behaviors that promote optimal wellness and growth of the human spirit, mind, or body; counselors' roles in eliminating biases, prejudices, and processes of intentional and unintentional oppression and discrimination; and differing lifestyles.

3. 'Helping relationship.' Studies that provide a broad understanding and practical application of helping processes, basic and advanced helping skills; consultation theories and their applications; client and helper self-understanding and self-development; and facilitation of client or consultee changes. An applicant's official transcript must reflect successful completion of a course addressing counseling process, skills, and intervention techniques.

4. 'Group dynamics processing and counseling.' Studies that provide a broad understanding of group development, dynamics, and group counseling theories; group leadership styles; basic and advanced group counseling methods and skills; and other group approaches.

5. 'Lifestyle and career development.' Studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance and education; lifestyle and career decision making; career development program planning and resources; and effectiveness evaluation.

6. 'Assessment and testing.' Studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal; data and information gathering methods, validity and reliability; psychometric statistics; factors influencing appraisals; social and cultural factors related to the assessment; and evaluation of individuals, groups and specific populations and use of appraisals to enhance helping processes.

7. 'Research and evaluation.' Studies that provide a broad understanding of types of research; basic statistics; research report development; research implementation; program evaluation; needs assessment; publication of research information; and ethical and legal considerations.

8. 'Professional counseling orientation.' Studies that provide a broad understanding of professional counselor roles and functions; professional goals and objectives; professional organizations and associations; professional history and trends; ethical and legal standards; professional preparation standards; and professional credentialing. The American Counseling Association (ACA) or the Commission on Rehabilitation Counselor Certification (CRCC) must have been the primary professional identity organization discussed and the ACA Code of Ethics or CRCC Code of Professional Ethics for Rehabilitation counselors must

have been used as the primary professional conduct guide and prominently identified as such in the orientation course syllabus.

(e) At least 3 semester hours or 4 quarter hours in one of the following:

1. 'Foundations of clinical mental health counseling.' If the academic program has an emphasis in mental health counseling, coursework addressing the history and development of clinical mental health counseling, theories and models related to clinical mental health counseling, principles of clinical mental health counseling, including prevention, intervention, consultation, education, and advocacy, and networks that promote mental health and wellness.

2. 'Foundations of clinical rehabilitation counseling.' If the academic program has an emphasis in rehabilitation counseling, coursework addressing the history and development of rehabilitation counseling, theories and models related to rehabilitation counseling, social science theory that addresses psychosocial aspects of disability, principles of rehabilitation including prevention, intervention, wellness, consultation, education, and advocacy.

(f) At least 3 semester hours or 4 quarter hours in one of the follow:

1. 'Clinical mental health counseling diagnosis and treatment planning.' If the academic program has an emphasis in clinical mental health counseling, coursework addressing the diagnostic process, including differential diagnosis and the use of diagnostic classification systems such as the Diagnostic and Statistical Manual of Mental Disorders (DSM) and/or the International Classification of Diseases (ICD); training on administration of intake interview, mental status evaluation, biopsychosocial history, mental health history, and psychological assessment for treatment planning and caseload management; and techniques and interventions related to a broad range of mental health issues.

2. 'Rehabilitation counseling diagnosis and treatment planning.' If the academic program has an emphasis in rehabilitation counseling, coursework addressing diagnostic interviews, mental status examinations, symptom inventories, psychoeducational and personality assessments, biopsychosocial histories, assessments for treatment planning; career and work-related assessments including job-analysis, work site modification, transferable skills analysis, and job readiness; strategies to advocate for clients with disabilities and rehabilitation counseling.

(g) At least 3 semester hours or 4 quarter hours in each of the following:

1. 'Crisis and trauma counseling.' Studies that include counseling approaches that effectively address crises and trauma, the impact of trauma and crisis and potential neurobiological responses; skills and techniques for assessing and intervening in specific crisis or trauma situations including suicide assessment and intervention.

2. 'Abnormal behavior and psychopathology.' Studies that include concepts of psychopathology and introduces methods of assessment and diagnosis for children, adolescents and adults with major mental disorders; and personality disorders, multiple perspectives of emotional and psychological distress, disturbance and behavior; skills to use the DSM diagnostic system while including acknowledgement of client strengths and resilience and the social and cultural context.

3. 'Addictions counseling.' Studies that provide an overview of addiction, the process of addiction, treatment and recovery approaches, relapse prevention, developmental issues related to addiction; treatment and prevention planning in regard to addiction.

4. 'Family, partnership, and couples counseling.' Studies that provide information and skills relevant to conducting partner or marital and family counseling services within a multicultural society with emphasis given to systemic theory and philosophy; dynamics of family interaction and the initial skills in assessment and treatment of dysfunctional partner, marital, family and systems or ecosystems relationships.

(3) Notwithstanding sub. (1), an applicant may, at an institution which was accredited by its regional accrediting association at the time the course was completed, complete up to 18 credit hours outside the program of studies leading to a master's degree in order to meet the requirements in sub. (2).

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (2) (intro.), Register, October, 1998, No. 514, eff. 11-1-98; am. (2) (intro.), Register, November, 1999, No. 527, eff. 12-1-99; CR 01-026: cr. (4), Register December 2001 No. 552, eff. 1-1-02; CR 08-088: am. (2) (intro.) Register June 2009 No. 642, eff. 7-1-09; CR 13-009: r. and recr. Register April 2014 No. 700, eff. 9-1-18; CR 17-079: r. and recr. (2) (b), cr. (3) Register August 2018 No. 752, eff. 9-1-18.

### **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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (2), Register, October, 1998, No. 514, eff. 11-1-98; am. (2), Register, November, 1999, No. 527, eff. 12-1-99; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18.

## Chapter MPSW 15

### DEFINITIONS FOR PRACTICE OF MARRIAGE AND FAMILY THERAPY

MPSW 15.01 Definitions.

MPSW 15.02 Practice of marriage and family therapy.

**Note:** Chapter SFC 15 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 15 was renumbered ch. MPSW 15 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 15.01 Definitions.** As used in chs. MPSW 15 to 19:

(1) “Accredited” means accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy.

(2) “Regionally accredited college or university” means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the higher learning commission, the northwest association of schools and colleges,

the southern association of colleges and schools, the western association of schools and colleges.

(3) “Supervision” means supervision of the professional practice of marriage and family therapy in the applied skills of the profession.

**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 15.02 Practice of marriage and family therapy.** A licensed marriage and family therapist may practice marriage and family therapy as defined in s. 457.01, Stats., without supervision.

**Note:** A licensed marriage and family therapist employed in a certified outpatient mental health clinic is subject to rules of the department of health services regarding supervision.

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02.

## Chapter MPSW 16

### REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPY LICENSURE

**MPSW 16.01** Application for licensure as a marriage and family therapist.

**MPSW 16.015** Application for a marriage and family therapist training license.

**MPSW 16.02** Educational equivalent to a graduate degree in marriage and family

therapy from a program accredited by COAMFTE.

**MPSW 16.04** Supervised Practice.

**Note:** Chapter SFC 16 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 16 was renumbered ch. MPSW 16 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., **Register October 2002 No. 562**.

**MPSW 16.01 Application for licensure as a marriage and family therapist.** An applicant for a marriage and family therapist license shall submit all of the following:

(1) An application and the fee under s. 440.05, Stats.

(2) Evidence of one of the following:

(a) A master's or doctorate degree in marriage and family therapy from a program accredited by COAMFTE.

(b) A master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling, or other mental health field that included the course work under s. **MPSW 16.02**.

(c) A degree awarded by a foreign institution of higher learning that has been determined by an organization approved by the section to be equivalent to a degree from a master's or doctoral program accredited by COAMFTE. If the education was not received in English, the applicant shall demonstrate proficiency in English by achieving a passing score on a Test of English as a Foreign Language (TOEFL) examination.

(3) Evidence the applicant, after receiving a master's or doctorate degree required under sub. (2), engaged in the equivalent of at least 3,000 hours of marriage and family therapy practice, including at least 1,000 hours of face-to-face client contact, while holding a valid marriage and family therapy training license and supervised by a person qualified to supervise under s. **MPSW 16.04**

(4) Verification of passage of an examination approved by the marriage and family therapist section to determine minimum competence to practice marriage and family therapy.

(5) If the applicant has an arrest or conviction record, documentation necessary for the section to determine whether the circumstances substantially relate to the practice of marriage and family therapy, subject to ss. 111.321, 111.322, and 111.335, Stats.

**History:** Cr. **Register, November, 1993, No. 455, eff. 12-1-93; am. (1) (c) and (2), r. (3), Register, November, 1999, No. 527, eff. 12-1-99; CR 02-105: am. (1) (intro.), (1) (a) 3., (1) (b) and (d) and (2) (a) and (c), Register October 2002 No. 562, eff. 11-1-02; CR 03-090: am. (1) (a) 3. Register June 2004 No. 582, eff. 7-1-04; CR 15-017: am. (1) (b), (2) (a) Register April 2016 No. 724, eff. 5-1-16; **CR 16-008: r. and recr. Register January 2018 No. 745 eff. 2-1-18; corrections in (3) made under ss. 13.92 (4) (b) 7. and 35.17, Stats., Register January 2018 No. 745.****

**MPSW 16.015 Application for a marriage and family therapist training license.** (1) The marriage and family therapist section shall grant a marriage and family therapist training license to any individual who does all of the following:

(a) Submits a completed, signed application form.

(b) Pays the fee specified in s. 440.05 (6), Stats.

(c) Submits evidence satisfactory to the marriage and family therapist section that he or she has done one of the following:

1. Satisfies the requirements in s. 457.10 (2), Stats.

2. Is enrolled or will be enrolled in an institute for marriage and family therapy that is approved by the commission on accreditation for marriage and family therapy education of the American

Association for Marriage and Family Therapy or by the marriage and family therapist section.

3. Holds a graduate degree in a mental health field approved by the marriage and family therapist section and is enrolled or will be enrolled in a master's or doctoral degree program in marriage and family therapy accredited by the commission on accreditation for marriage and family therapy education or approved by the marriage and family therapist section.

(d) Submits evidence satisfactory to the marriage and family therapist section of one of the following:

1. The applicant is in a position or has an offer for a position as a marriage and family therapist in a supervised marriage and family therapist practice.

2. The applicant is in a position or has an offer for a position in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a supervised marriage and family therapist practice.

(2) A marriage and family therapist training license is valid for 48 months and may be renewed at the discretion of the marriage and family therapist section.

(3) A marriage and family therapist training license authorizes the holder to use any title specified in s. 457.04 (5), Stats., and to practice marriage and family therapy within the practice scope of his or her training or supervision during the period in which the license is valid.

**History:** **CR 16-008: renum. MPSW 17.03 (title) (1), (2) to (title) (1), (2), cr. (3), Register January 2018 No. 745 eff. 2-1-18.**

**MPSW 16.02 Educational equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE.** Course work required for education to be substantially equivalent to the course work required for a master's or doctorate degree in marriage and family therapy course work from a program accredited by COAMFTE shall contain all of the following:

(1) At least 6 semester credits or 8 quarter credits in the area of foundations of relational or systemic practice, theories and models.

(2) At least 6 semester credits or 8 quarter credits in the area of clinical treatment with individuals, couples and families. This area shall include a focus on evidence based practice and content on crisis intervention.

(3) At least 3 semester credits or 4 quarter credits in the area of diverse, multicultural or underserved communities. This area shall include understanding and applying knowledge of diversity, power, privilege, or oppression.

(4) At least 3 semester credits or 4 quarter credits in the area of research and evaluation. This area shall include marriage and family therapy research and evaluation methods and evidence based practice.

(5) At least 3 semester credits or 4 quarter credits in the area of professional identity, federal and state law, ethics, and social responsibility.

(6) At least 3 semester credits or 4 quarter credits in the area of biopsychosocial health and development across the life span.

This area shall include individual and family development, human sexuality, or biopsychosocial health across the lifespan.

(7) At least 3 semester credits or 4 quarter credits in the area of systemic assessment and mental health diagnosis and treatment.

(8) At least 3 semester credits or 4 quarter credits in the area of contemporary developments which interface marriage and family therapy knowledge and practice with the broader multidisciplinary context.

(9) A clinical internship as part of an academic program in marriage and family therapy or a substantially equivalent field. The internship shall consist of a minimum of 300 hours in face-to-face contact with individuals, couples, and families for the purpose of assessment, diagnosis, and treatment under supervision in not less than 8 calendar months.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; r. (4), Register, November, 1999, No. 527, eff. 12-1-99; CR 16-008: r. and recr. Register January 2018 No. 745 eff. 2-1-18.

**MPSW 16.04 Supervised Practice.** (1) **GENERAL.** An applicant for licensure as a marriage and family therapist under s. 457.10, Stats., shall complete, after receiving the required master's or doctorate degree, 3,000 hours of supervised marriage and family therapy practice, including at least 1,000 hours of face-to-face client contact, while holding a valid marriage and family therapist training license before being eligible for licensure.

(2) **SUPERVISOR QUALIFICATIONS.** Supervision of the supervised practice of marriage and family therapy may be exercised by any of the following:

(a) An individual licensed as a marriage and family therapist who has received a doctorate degree in marriage and family therapy.

(b) An individual licensed as a marriage and family therapist who has engaged in the equivalent of 5 years of full-time marriage and family therapy practice.

(c) A psychiatrist.

(d) A psychologist licensed under ch. 455, Stats.

(e) A person who is an American Association for Marriage and Family Therapy approved supervisor or supervisor candidate.

(f) An individual, other than an individual specified in par. (a) to (e), who the marriage and family therapy section approves in advance based upon evidence of experience in marriage and family therapy systems.

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

(a) Provide one hour of face-to-face supervision for each 10 client contact hours.

(b) Permit a supervisee to engage in only marriage and family therapy services the supervisor can competently perform.

(c) Be available or make appropriate provision for emergency consultation and 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.

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

(a) The group shall consist of no more than 8 persons for every 1 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. Time which is not directly case related may not be counted towards the supervision requirement.

(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.

**History:** CR 16-008: cr. Register January 2018 No. 745 eff. 2-1-18; correction in (2) (d) made under s. 13.92 (4) (b) 7., Stats., Register January 2018 No. 745; correction in (2) (f), (3) (a) made under s. 35.17, Stats., Register January 2018 No. 745.

## Chapter MPSW 17

### MARRIAGE AND FAMILY THERAPY TEMPORARY LICENSE AND RECIPROCAL LICENSE APPLICATIONS

#### MPSW 17.01 Temporary license.

**Note:** Chapter SFC 17 was created as an emergency rule effective April 26, 1993.  
**Note:** Chapter SFC 17 was renumbered ch. MPSW 17 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**Note:** Chapter SFC 17 (Title) was amended under CR 16-008 Register January 2018 No. 745 eff. 2-1-18.

**MPSW 17.01 Temporary license.** The marriage and family therapist section may issue a temporary license permitting a person who has completed the educational and supervised practice requirements for eligibility for a license as a marriage and family therapist upon payment of the fee for the temporary license and application for the next available examination to use the title “marriage and family therapist” and to practice marriage and family therapy. The temporary license is valid for a period not to exceed 9 months from the date of its issuance, and it may be renewed once upon receipt of a written request and any required renewal fee. If a temporary license is returned to the department prior to its expiration along with a written request that it be placed on hold, the temporary license may later be reissued to the holder for the remainder of the 9 month period.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. Register October 2002 No. 562, eff. 11-1-02; CR 05-051: am. Register March 2006 No. 603, eff. 4-1-06.

**MPSW 17.02 Reciprocal license.** The marriage and family therapist section shall grant a license as a marriage and family therapist under s. 457.10, Stats., to an applicant who pays

#### MPSW 17.02 Reciprocal license.

the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(1) The applicant has a current credential as a marriage and family therapist or the substantial equivalent in good standing in another state or territory of the United States.

(2) The requirements for the grant of 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. 457.10, Stats.

(3) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(4) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of his or her driver’s license, or the applicant has such charges pending against him or her, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a marriage and family therapist license.

(5) The applicant passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy.

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 02-105: am. (intro.) (2) and (4), cr. (5), Register October 2002 No. 562, eff. 11-1-02.