



**VIRTUAL/TELECONFERENCE
PROFESSIONAL COUNSELOR SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
July 21, 2021**

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

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of April 20, 2021 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Administrative Matters**
 - 1) Department, Staff, and Board Updates
 - 2) Board Member – Term Expiration Date
- E. Legislative and Policy Matters – Discussion and Consideration
- F. Administrative Rule Matters – Discussion and Consideration (7-12)**
 - 1) MPSW 11, Relating to Professional Counselor Training Licenses
 - 2) Pending or Possible Rulemaking Projects
- G. American Association of State Counseling Boards (AASCB) Matters – Discussion and Consideration**
 - 1) Working on Proposals for License Endorsement
- H. COVID-19 – Discussion and Consideration**
- I. Discussion and Consideration on Items Added After Preparation of Agenda
 - 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections, and Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities

- 7) Education and Examination Matters
- 8) Practice Matters
- 9) Administrative Rule Matters
- 10) Legislative and Policy Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

J. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

K. Credentialing Matters

- 1) **Application Reviews**
 - a. Ayasha Marshall, LPC-TL Applicant **(13-56)**
 - b. Jessica Zarling, LPC-TL Applicant **(57-134)**

L. Deliberation on DLSC Matters

- 1) **Administrative Warnings**
 - a. 19 CPC 069 – M.M.S. **(135-137)**
 - b. 20 CPC 011 – J.A.M. **(138-139)**
- 2) **Proposed Stipulations, Final Decisions and Orders**
 - a. 19 CPC 023 – Lydia J. Haker, LPC **(140-147)**
 - b. 19 CPC 026 – Tam `Meka M. Berry, LPC-IT **(148-154)**
 - c. 19 CPC 051 – Elizabeth J. Ziolkowski, LPC **(155-160)**
 - d. 21 CPC 004 – Melony D. Walsh, LPC **(161-167)**

M. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters

- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: OCTOBER 12, 2021

 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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PROFESSIONAL COUNSELOR SECTION
MEETING MINUTES
APRIL 20, 2021**

PRESENT: Cynthia Brown, Kathleen Miller, Tammy Scheidegger, Andrea Simon (*arrived at 9:04 a.m.*)

STAFF: Christine Poleski, Executive Director; Jameson Whitney, Legal Counsel; Kevyn Radcliffe, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv. and other DSPS Staff

CALL TO ORDER

Cynthia Brown, Vice Chairperson, called the meeting to order at 9:03 a.m. A quorum was confirmed with three (3) members present.

(Andrea Simon arrived at 9:04 a.m.)

ADOPTION OF AGENDA

Amendments to the Agenda:

- Closed Session: Under “M. Deliberation on DLSC Matters; 2) Proposed Stipulations, Final Decisions and Orders” **ADD:**
 - 20 CPC 056 – Peter L. Mayo. LPC, CSAC

MOTION: Andrea Simon moved, seconded by Kathleen Miller, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 26, 2021

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to approve the Minutes of January 26, 2021 as published. Motion carried unanimously.

COVID-19

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to express the support and encouragement of the Section for its licensees to receive a COVID-19 vaccine as soon as they are eligible to do so, and the vaccine is available to them. Motion carried unanimously.

CLOSED SESSION

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Andrea Simon, Chairperson, read the

language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Cynthia Brown-yes; Kathleen Miller-yes, Tammy Scheidegger-yes; and Andrea Simon-yes. Motion carried unanimously.

The Section convened into Closed Session at 9:47 a.m.

CREDENTIALING MATTERS

Application Reviews

Jovid Schuette, LPC-IT Applicant

MOTION: Tammy Scheidegger moved, seconded by Cynthia Brown, to send a three-option letter regarding the Licensed Professional Counselor-In Training application of Jovid Schuette indicating the Section's intent to deny and providing the option to withdraw or to provide supplemental information. **Reason for Denial:** Pursuant to s. 457.12(2), Wis. Stat. and MPSW 11.015, Wis. Admin Code. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

19 CPC 054 – A.P.P.

MOTION: Kathleen Miller moved, seconded by Andrea Simon, to close the DLSC Case Number 19 CPC 054, against A.P.P., for No Violation. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Kathleen Miller moved, seconded by Andrea Simon, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 18 CPC 071 – Adalia M. Jansen, LPC-IT
2. 19 CPC 009 – Debra M. Pierson, LPC
3. 19 CPC 035 – Jennifer L. Davis, LPC
4. 19 CPC 056 – Sarah N. Reiser, LPC-IT
5. 20 CPC 056 – Peter L. Mayo, LPC, CSAC

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to reconvene into Open Session. Motion carried unanimously.

The Section reconvened into Open Session at 10:14 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Tammy Scheidegger moved, seconded by Cynthia Brown, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:17 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin on behalf of Kevyn Radcliffe Administrative Rules Coordinators		2) Date when request submitted: 07/08/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Professional Counselor Section			
4) Meeting Date: 07/21/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. MPSW 11, Relating to Professional Counselor Training Licenses 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Requesting input from the Section for initial draft of MPSW 11, relating to Professional Counselor Training Licenses Attachments: <ul style="list-style-type: none"> • MPSW 11 Scope Statement • Wisc. Admin. Code Ch. MPSW 11 • Draft of Comparison with Rules in Adjacent States List of all MPSW Board rule projects can be found here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the 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.			

STATEMENT OF SCOPE

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

Rule No.: MPSW 11

Relating to: Professional counselor training licenses

Rule Type: Permanent

1. Finding/nature of emergency:

N/A

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

The current rules, specifically MPSW 11.015 (2), state that a professional counselor training license is valid for 48 months and may be renewed at the discretion of the professional counselor section. The board will consider adding criteria for the professional counselor section to consider when contemplating whether to grant a renewal of a professional counselor training license.

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

A possible benefit of implementing the rule will be to provide greater clarity for professional counselor training license holders as to whether their renewal request will be granted. It would also provide the professional counselor section with more guidance to assist in making such determinations. The alternative of implementing the rule is to not provide this additional guidance, leaving the section with broad discretion to grant or deny renewals of professional counselor training licenses.

4. Detailed explanation of statutory authority for the rule:

Section 15.08 (5) (b), Stats. provides that each board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains.

Section 457.03 (1), Stats. provides the board with authority to promulgate rules establishing minimum standards for educational programs and supervised clinical training that must be completed to obtain licensure as a professional counselor.

Section 457.13 (2), Stats. gives the professional counselor section discretion to renew a professional counselor training license.

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

80 hours.

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

Professional counselors in training and their supervisors and applicants for professional counselor licensure.

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

None.

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

None to minimal. This rule is not likely to have a significant impact on small businesses.

Contact Person: Jon Derenne, DSPSAdminRules@wisconsin.gov; (608) 266-0955

Handwritten signature of Kathleen Miller, C.P. in blue ink, with a small box containing "C.P." to the right of the name.

Board Chair

October 13, 2020

Date Submitted

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) Documentation necessary for the section to determine, subject to ss. [111.321](#), [111.322](#), and [111.335](#), Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense, as defined in s. [111.335 \(1m\) \(b\)](#), Stats., or a violent crime against

a child, as defined in s. [111.335 \(1m\) \(d\)](#), Stats., that is substantially related to the practice of a professional counselor.

(b) The applicant has been convicted of a crime substantially related to the practice of a professional counselor.

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](#); [CR 19-116](#): r. and recr. (5) [Register May 2020 No. 773](#), eff. 6-1-20; correction in (5) (a) made under s. 35.17, Stats., [Register May 2020 No. 773](#).

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 a pending charge for an exempt offense, as defined in s. 111.335 (1m) (b), Stats., or a violent crime against a child, as defined in s. 111.335 (1m) (d), Stats.,

that is substantially related to the practice of a professional counselor.

(4m) The applicant has not been convicted of a crime substantially related to the practice of a professional counselor.

(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; CR 19-116: r. and recr. (4), cr. (4m) Register May 2020 No. 773, eff. 6-1-20; correction in (4) made under s. 35.17, Stats., Register May 2020 No. 773.

MPSW 11 – Professional Counselor Training Licenses Comparison with Rules in Adjacent States:

Illinois:

Professional counselors are regulated by the Illinois Department of Financial and Professional Regulation. Illinois exempts from licensing requirements, students, interns, or residents in professional counseling or clinical professional counseling seeking to fulfill educational requirements so long as (i) these activities and services constitute a part of the student's supervised course of study, (ii) the activities and services are not conducted in an independent practice, (iii) the activities and services are supervised and (iv) the student, intern, or resident is designated by a title "intern" or "resident" or other designation of trainee status.

Iowa:

The Board of Behavioral Science within the Iowa Department of Public Health regulates marital and family therapists and mental health counselors. Iowa law allows for temporary licensure for the purpose of fulfilling a postgraduate supervised clinical experience. The temporary licensee must notify the board immediately in writing of any proposed change in supervisor(s) and obtain approval of any change in supervisor(s). Within 30 days of completion of the supervised clinical experience, the attestation of the completed supervised experience must be submitted to the board office. The temporary licensee remains under supervision until a permanent license is issued. A temporary license for the purpose of fulfilling the postgraduate supervised clinical experience requirement is valid for three years and may be renewed at the discretion of the board.

Michigan:

The Michigan Department of Licensing and Regulatory Affairs regulates marriage and family therapists, professional counselors, and social workers. The Department may grant a limited professional counselor license to an individual who is at least 18 years old, has received a master's or doctoral degree in counseling from a qualified program and is practicing professional counseling under the supervision of a licensed professional counselor who meets statutory requirements. A limited license may be renewed annually, but for no more than 10 years. In cases of hardship, the board may consider a request for an extension of this time period.

Minnesota:

The Minnesota Board of Behavioral Health and Therapy regulates professional counselors. Students are exempt from licensure regulation provided that a student, intern, or trainee is enrolled in an accredited program of professional counseling, the practice of professional counseling is part of a supervised course of study, and the person is identified as a "counselor intern."