



**VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD**

**Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
October 12, 2021**

The following agenda describes the issues that the Board 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 Board.

AGENDA

10:30 A.M.

**(OR IMMEDIATELY FOLLOWING THE MARRIAGE AND FAMILY THERAPIST
SECTION MEETING)**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of April 20, 2021 (4-5)**
- C. Reminders: Scheduling Concerns
- D. Introductions, Announcements, and Recognition**
 - 1) Introductions:
 - a. Terrance C. Erickson, Social Worker Public Member (Succeeds: Sanyaolu) - 7/1/2025
 - b. Sheng Lee Yang, Social Worker Member (Succeeds: Coates) -7/1/2023
 - c. Christopher J. Webster, Marriage and Family Therapist Member (Succeeds: Yee) -7/1/2023
 - 2) Recognition:
 - a. Candance E. Coates, Social Worker Member (Resigned 9/30/2021)
 - b. Lisa Yee, Marriage and Family Therapist Member (Resigned 4/26/2021)
- E. 10:30 AM PUBLIC HEARING: Clearinghouse Rule 21-053 (MPSW 3, 11, and 17) Relating to Application Requirements for Credentials (6-17)**
 - 1) Review Public Hearing Comments and Respond to Clearinghouse Report
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Election of Officers
 - 3) 2022 Meeting Dates
 - 4) Board Member – Term Expiration Date
 - a. Adell, Cynthia C. – 7/1/2023
 - b. Brown, Cynthia – 7/1/2023

- c. Ellingboe, Bridget C. – 7/1/2020
 - d. Erickson, Terrance C. – 7/1/2025
 - e. Krueger, Elizabeth A. – 7/1/2020
 - f. Lee Yang, Sheng – 7/1/2023
 - g. Marsh, Lindsey E. – 7/1/2024
 - h. Miller, Kathleen M. – 7/1/2021
 - i. Scheidegger, Tammy H. – 7/1/2020
 - j. Simon, Andrea L. – 7/1/2023
 - k. Unzueta Saiz, Nancy F. – 7/1/2022
 - l. Webster, Christopher J. – 7/1/2023
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration (18-32)**
- 1) Adoption Order
 - a. MPSW 11, Relating to Degrees from Programs Accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP)
 - 2) Preliminary Rule Draft
 - a. MPSW 11, Relating to Professional Counselor Training Licenses
 - 3) Pending or Possible Rulemaking Projects **(33)**
- I. Georgia Compact for Social Workers, Professional Counselors, and Marriage and Family Therapists – Discussion and Consideration**
- J. COVID-19 – Discussion and Consideration**
- K. Public Agenda Request – Discussion and Consideration**
- 1) Consideration of the Counseling Compact **(34)**
- L. Section Reports – Discussion and Consideration**
- M. Discussion and Consideration of Items Added After Preparation of Agenda
- 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing 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) Motions
 - 16) Petitions
 - 17) Appearances from Requests Received or Renewed
 - 18) Speaking Engagements, Travel, or Public Relation Requests, and Reports
- N. Public Comments**

ADJOURNMENT

NEXT MEETING: JANUARY 25, 2022 (TENTATIVE)

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
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
MEETING MINUTES
APRIL 20, 2021**

PRESENT: Cynthia Brown, Candace Coates, Bridget Ellingboe, Lindsey Marsh, Kathleen Miller (*excused at 12:32 p.m.*), Tammy Scheidegger, Andrea Simon, Nancy Saiz, Lisa Yee

EXCUSED: Cynthia Adell, Elizabeth Krueger

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

Lindsey Marsh, Chairperson, called the meeting to order at 10:32 a.m. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

MOTION: Candace Coates moved, seconded by Lisa Yee, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 26, 2021

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

INTRODUCTIONS, ANNOUNCEMENTS, RECOGNITION

MOTION: Nancy Saiz moved, seconded by Lisa Yee, to recognize and thank Abike Sanyaolu for her service to the Social Worker Section, the MPSW Examining Board, and the State of Wisconsin. Motion carried unanimously.

GUIDANCE DOCUMENT REGARDING CONVERSION THERAPY

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to adopt the guidance document presented to the 4/20/2021 MPSW Examining Board on page 62 of the agenda materials. Motion carried unanimously.

MOTION: Tammy Scheidegger moved, seconded by Nancy Saiz, to post the guidance document to the MPSW Examining Board and Section pages of the website. Motion carried unanimously.

ADMINISTRATIVE RULES MATTERS

MPSW 3, 11, and 17 – Application Requirements – Preliminary Rule Draft

MOTION: Candace Coates moved, seconded by Cynthia Brown, to approve the preliminary rule draft of MPSW 3, 11, and 17 relating to application requirements, for posting for economic impact comments and submission to the Clearinghouse. The public hearing will take place on July 20, 2021. Motion carried unanimously.

MPSW 11 – Professional Counselor (PC) Training Licenses – Four State Analysis

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to refer MPSW 11, relating to professional counselor training licenses, to the Professional Counselor Section for further recommendation to the Board. Motion carried unanimously.

COVID-19

MOTION: Candace Coates moved, seconded by Andrea Simon, to express the support and encouragement of the Board for its Section’s 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.

(Kathleen Miller was excused at 12:32 p.m.)

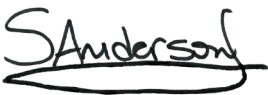
ADJOURNMENT

MOTION: Nancy Saiz moved, seconded by Lisa Yee, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:36 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 09/30/2021 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: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 12, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 10:30 A.M. Public Hearing – Clearinghouse Rule 21-053 Revising MPSW 3, 11, and 17, Relating to Application Requirements for Credentials	
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: The Board will hold a Public Hearing on this rule as required by the rulemaking process.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  Signature of person making this request </div> <div style="text-align: right;"> 09/30/2021 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> Supervisor (if required) </div> <div style="text-align: right;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="text-align: right;"> Date </div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 21-053

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In SECTIONS 1, 3, and 5, the underscored text beginning each sentence should follow the stricken text.

b. The order of SECTIONS 6 and 7 should be reversed, as treatment of s. MPSW 17.02 (4) precedes creation of s. MPSW 17.025.

4. Adequacy of References to Related Statutes, Rules and Forms

The agency should review the affected rule chapters to ensure that those chapters adequately reference the availability of forms contemplated by the proposed rule as well as the availability of other existing forms. [s. 227.14 (3), Stats., and s. 1.12 (3), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In proposed s. MPSW 17.02 (4), are the references to “social worker” appropriate? The repealed provision refers to “duties of practice under a marriage and family therapist license” and s. MPSW 17.02 (intro.) refers to “a license as a marriage and family therapist”.

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

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

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to amend MPSW 3.12 (1), 11.04 (intro.), and 17.02 (intro.); to repeal and recreate MPSW 17.02 (4); and to create MPSW 3.125, 11.045, and 17.025 relating to application requirements for credentials.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 111.321, 111.322, 111.335, and 440.09, Stats.

Statutory authority: Sections 15.08 (5) (b), and 227.11 (2) (a), Stats.

Explanation of agency authority:

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

“Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...” [s. 227.11 (2) (a), Stats.]

Related statute or rule:

None.

Plain language analysis:

The proposed rule revises MPSW 17 to bring the chapter into compliance with ch. 111, Stats., as it relates to discrimination in licensing based upon an arrest or conviction

record. This chapter was inadvertently not revised when board otherwise updated its rules for conformity with 2017 Wisconsin Act 278 through CR 19-116.

The proposed also rule creates provisions to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing expedited reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The board held a preliminary hearing on the statement of scope at its January 26, 2021 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois:

Marriage and family therapists, social workers, and professional counselors are regulated by the Illinois Department of Financial and Professional Regulation.

The rules of professional conduct for marriage and family therapists provide that a therapist convicted of any crime, or who engages in conduct which could lead to a conviction, related to the therapist's qualifications or professional responsibilities may be subject to disciplinary action. (s. 1283.100 Professional Conduct).

The rules of professional conduct for social workers provide that the division may revoke, refuse to issue, or renew a license or take other disciplinary action if a social worker providing services or supervising services commits any dishonest, corrupt, or fraudulent act that is substantially related to the social worker's functions or duties. (s. 1470.96 Unethical, Unauthorized, and Unprofessional Conduct).

The Department of Financial and Professional Regulation code does not provide for disciplinary action against professional counselors who face charges or have a conviction record.

Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). "Service member" includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

The Board of Behavioral Science within the Iowa Department of Public Health regulates marital and family therapists and mental health counselors. Marital and family therapists and mental health counselors may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.33.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

The Board of Social Work within the Iowa Department of Public Health regulates social workers. Social workers may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.283.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Department of Licensing and Regulatory Affairs regulates marriage and family therapists, professional counselors, and social workers. Individuals licensed under the Michigan Public Health Code (including marriage and family therapists, professional counselors, and social workers) must be “of good moral character.” (MCL 333.16174 (1) (b)). The agency may consider a judgment of guilt in a criminal prosecution or a judgment in a civil action in determining whether an individual is of good moral character. The individual can provide evidence showing that they are of good moral character to rebut a previous criminal or civil judgment (MCL 338.42).

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Marriage and Family Therapy Board regulates marriage and family therapists. The board may suspend, revoke, condition, limit, qualify, or restrict a license if the individual is convicted of a crime that renders the person unfit to practice marriage and family therapy. These crimes are enumerated in 5300.0330 Sup. 2 of the Minnesota Administrative Rules.

The Minnesota Board of Behavioral Health and Therapy regulates professional counselors. A professional counselor may not violate any law in which the facts giving rise to the violation involve the practice of professional counseling.

The Minnesota Board of Social Work regulates social workers. The Board's rules have all been repealed and codified into statute. Section 148E.210 of the Minnesota Statutes provides that the board may take action against a social worker who "engages in acts or conduct adversely affecting the applicant or licensee's current ability or fitness to engage in social work practice, whether or not the acts or conduct occurred while engaged in the practice of social work."

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rule was developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143, and obtaining input and feedback from the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board.

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

The rule was posted for 14 days on the department's website to solicit input on possible economic impact. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before October 12, 2021 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.12 (1) is amended to read:

(1) Except as provided in MPSW 3.125, The 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:

SECTION 2. MPSW 3.125 is created to read:

MPSW 3.125 Reciprocal credentials for service members, former service members, and their spouses.

MPSW 3.125 The social worker section shall grant a reciprocal certificate or a license to practice social work under s. 457.08, Stats., to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09, Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

SECTION 3. MPSW 11.04 (intro.) is amended to read:

MPSW 11.04 (intro.) Reciprocal license. Except as provided in MPSW 11.045, The 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:

SECTION 4. MPSW 11.045 is created to read:

MPSW 11.045 Reciprocal credentials for service members, former service members, and their spouses. The professional counselor section shall grant a reciprocal a license to practice professional counseling to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09, Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

SECTION 5. MPSW 17.02 (intro.) is amended to read:

MPSW 17.02 (intro.) Reciprocal license. Except as provided in MPSW 17.025, The 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 the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

SECTION 6. MPSW 17.025 is created to read:

MPSW 17.025 Reciprocal credentials for service members, former service members, and their spouses. The marriage and family therapist section shall grant a reciprocal a license to practice marriage and family therapy to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09, Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

SECTION 7. MPSW 17.02 (4) is repealed and recreated to read:

MPSW 17.02 (4) 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., which is substantially related to the practice of a social worker.
- (b) The applicant has been convicted of a crime substantially related to the practice of a social worker.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date April 28, 2021</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 3, 11, and 17</p>	
<p>4. Subject Application requirements for credentials</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The proposed rule revises MPSW 17 to bring the chapter into compliance with ch. 111, Stats., as it relates to discrimination in licensing based upon an arrest or conviction record. This chapter was inadvertently not revised when board otherwise updated its rules for conformity with 2017 Wisconsin Act 278 through CR 19-116. The proposed also rule creates provisions to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing expedited reciprocal credentials to service members, former service members, and the spouses of service members and former service members.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. Service members and former service members discharged under conditions other than dishonorable within the last four years seeking a credential issued by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, and their spouses. Individuals required to submit criminal history as part of the application process for a credential issued by the board.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) \$4,264.32</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule MPSW 3, 11, and 17 will be brought into compliance with ch. 111, Stats. and s. 440.09, Stats. If the rules are not implemented, MPSW 3, 11, and 17 will be out fo compliance with Wisconsin Statutes.</p>	
<p>16. Long Range Implications of Implementing the Rule</p>	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

MPSW 3, 11, and 17 will be brought into compliance with ch. 111, Stats. and s. 440.09, Stats.

17. Compare With Approaches Being Used by Federal Government
None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Marriage and family therapists, social workers, and professional counselors are regulated by the Illinois Department of Financial and Professional Regulation.

The rules of professional conduct for marriage and family therapists provide that a therapist convicted of any crime, or who engages in conduct which could lead to a conviction, related to the therapist's qualifications or professional responsibilities may be subject to disciplinary action. (s. 1283.100 Professional Conduct).

The rules of professional conduct for social workers provide that the division may revoke, refuse to issue, or renew a license or take other disciplinary action if a social worker providing services or supervising services commits any dishonest, corrupt, or fraudulent act that is substantially related to the social worker's functions or duties. (s. 1470.96 Unethical, Unauthorized, and Unprofessional Conduct).

The Department of Financial and Professional Regulation code does not provide for disciplinary action against professional counselors who face charges or have a conviction record.

Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). "Service member" includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

The Board of Behavioral Science within the Iowa Department of Public Health regulates marital and family therapists and mental health counselors. Marital and family therapists and mental health counselors may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.33.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

The Board of Social Work within the Iowa Department of Public Health regulates social workers. Social workers may be disciplined if convicted of a crime related to the profession, or a crime that would affect the ability to practice within the profession (Iowa Administrative Code s. 645.283.2). There is no provision in the rules to discipline a licensee who merely has a pending charge.

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Department of Licensing and Regulatory Affairs regulates marriage and family therapists, professional counselors, and social workers. Individuals licensed under the Michigan Public Health Code (including marriage and family therapists, professional counselors, and social workers) must be "of good moral character." (MCL 333.16174 (1) (b)). The agency may consider a judgment of guilt in a criminal prosecution or a judgment in a civil action in determining whether an individual is of good moral character. The individual can provide evidence showing that they

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

are of good moral character to rebut a previous criminal or civil judgment (MCL 338.42).

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Marriage and Family Therapy Board regulates marriage and family therapists. The board may suspend, revoke, condition, limit, qualify, or restrict a license if the individual is convicted of a crime that renders the person unfit to practice marriage and family therapy. These crimes are enumerated in 5300.0330 Sup. 2 of the Minnesota Administrative Rules.

The Minnesota Board of Behavioral Health and Therapy regulates professional counselors. A professional counselor may not violate any law in which the facts giving rise to the violation involve the practice of professional counseling.

The Minnesota Board of Social Work regulates social workers. The Board's rules have all been repealed and codified into statute. Section 148E.210 of the Minnesota Statutes provides that the board may take action against a social worker who "engages in acts or conduct adversely affecting the applicant or licensee's current ability or fitness to engage in social work practice, whether or not the acts or conduct occurred while engaged in the practice of social work."

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

19. Contact Name

Kevyn Radcliffe

20. Contact Phone Number

608-266-0797

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

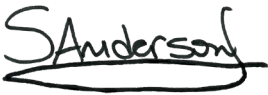
- Yes No
-

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 9/30/2021 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: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 12, 2021	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. Review Public Hearing Comments and Respond to Clearinghouse Report a. MPSW 3, 11, and 17, Relating to application requirements for credentials. 2. Adoption Order a. MPSW 11, Relating to degrees from programs accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) 3. Preliminary Rule Draft a. MPSW 11, Relating to Professional Counselor Training Licenses. 4. 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:
10) Describe the issue and action that should be addressed: Attachments: <ul style="list-style-type: none"> • MPSW 3, 11, and 17 Clearinghouse Report • MPSW 11 CACREP Adoption Order • MPSW 11 LPC-IT renewal preliminary rule draft • MPSW Rule Projects chart Copies of Board rule projects can be found here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			

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

11)	Authorization
	9/30/2021
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.	

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

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	MARRIAGE AND FAMILY
MARRIAGE AND FAMILY THERAPY,	:	THERAPY, PROFESSIONAL
PROFESSIONAL COUNSELING, AND	:	COUNSELING, AND SOCIAL WORK
SOCIAL WORK EXAMINING BORD	:	EXAMINING BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 20-032)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to amend MPSW 11.01 (2) (c); and to repeal and recreate MPSW 11.01 (2) (b); relating to degrees from programs accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 457.03 (1), Stats.

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

Explanation of agency authority:

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

Section 457.03 (1), Stats. states that the board shall “[u]pon 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.”

Related statute or rule: MPSW 14

Plain language analysis:

This rule project removes automatic acceptance of all CACREP accredited programs as equivalent to a master's or doctorate degree in professional counseling for the purposes of meeting the education requirement for licensure as a professional counselor. Instead, the board will provide automatic acceptance for certain enumerated CACREP accredited specialty programs. These include CACREP accredited programs in addiction counseling, clinical mental health counseling, clinical rehabilitation counseling, marriage, couple, and family Counseling, and doctoral programs in counselor education and supervision.

Applicants with degrees that are not CACREP accredited, or CACREP accredited but not in one of the enumerated specialties, must show that their degree program meets the requirements for equivalency within MPSW 14.

Summary of, and comparison with, existing or proposed federal regulation:

None

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board held a preliminary hearing on the statement of scope for this rule at its January 28, 2020 meeting. The board received written comments from the following people:

Dr. Lisa M. Edwards, Dr. Alan Burkard, Dr. Weneaka D. Jones, Dr. Sarah Knox, and Dr. Lynne Knobloch-Fedders, all with the Department of Counselor Education and Counseling Psychology at Marquette University.

Dr. Jennifer M. Cook.

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board summarizes the written comments received at the hearing as follows:

Dr. Lisa M. Edwards, Dr. Alan Burkard, Dr. Weneaka D. Jones, Dr. Sarah Knox, and Dr. Lynne Knobloch-Fedders, all with the Department of Counselor Education and Counseling Psychology at Marquette University, as well as Dr. Jennifer M. Cook all commented on the following:

- They are opposed to entirely removing automatic acceptance for CACREP approved programs on the following grounds:
 - CACREP approved courses are rigorously and continuously assessed to ensure they are creating nationally recognized standards that adequately prepare professional counseling professionals in a way that will enable them to provide counseling services in a way that is consistent with optimal human development in a diverse and dynamic society.

- Removing automatic acceptance entirely will create a burden for the board in that all applicant's course history will need to be reviewed for compliance with the educational equivalency requirements in MPSW 14, and in a related vein, will increase wait times for licensure.
- CACREP approved courses generally do meet most of the requirements for educational equivalency in MPSW 14.
- They suggest allowing applicants who have graduated from a CACREP program only be required to demonstrate proof that they have completed the additional educational requirements in MPSW 14 that go above and beyond what is required for CACREP accreditation.
- Dr. Cook's comments point out that CACREP and CORE have merged, and the body is now referred to only as CACREP.

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board explains modifications to its scope statement proposal prompted by public comments as follows:

The board did not opt to amend its scope statement in light of the public comments received, but did take the comments into consideration when drafting the rule.

Comparison with rules in adjacent states:

Illinois: For the purposes of licensure as a clinical professional counselor, Illinois law recognizes any CACREP or CORE approved program or any doctorate in psychology approved by the American Psychological Association and the Council for the National Registry of Health Service Providers as approved programs (Ill. Admin Code § 1375.145 (c)).

Applicants who do not have a degree from a program approved by one of the above entities must demonstrate that their educational background meets the following requirements (Ill. Admin Code § 1375.145 (a)):

- a) The educational requirements are as follows:
 - 1) Master's degrees shall be from a college, university or school that is a regionally accredited institution of higher education and recognized by the U.S. Department of Education;
 - 2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors;
 - 3) The program is an organizational entity within the institution;
 - 4) The program has an integrated, organized sequence of study;
 - 5) The program must be at least 2 academic years in length and require an individual to graduate from a program with a minimum of 48 semester hours or 72 quarter hours with a minimum of one

course ("course" is defined as 3 semester hours or equivalent) in each of the areas listed in this subsection (a)(5). The 13 areas are the same as those listed for the licensed professional counselor. "A minimum of one course" is defined to mean that the objectives and content of a course need to meet the requirements for one content area and cannot be used to meet the objectives and content requirements of another content area. (See Appendix A (Course Descriptions) for a definition of the subject content for each core area with examples of course titles that relate to each of the core content areas.) Students who started their educational program after January 1, 1999 and graduated before January 1, 2008 who make application for the Licensed Clinical Professional Counselor after January 1, 2008 must meet the hour requirements for each core area established by their educational program at the time they started their graduate studies. In some cases, this may not be 3 semester hours or equivalent for each core area. All students, however, graduating after January 1, 2008 must meet the "3 semester hour or equivalent" requirement.

- A) Human Growth and Development
 - B) Counseling Theory
 - C) Counseling Techniques
 - D) Group Dynamics, Processing and Counseling
 - E) Appraisal of Individuals
 - F) Research and Evaluation
 - G) Professional, Legal and Ethical Responsibilities Relating to Professional Counseling, Including Illinois Law
 - H) Social and Cultural Foundations
 - I) Lifestyle and Career Development
 - J) Practicum/Internship
 - K) Psychopathology and Maladaptive Behavior
 - L) Substance Abuse
 - M) Family Dynamics;
- 6) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their areas of teaching from professional colleges and institutions;
 - 7) The program has an identifiable body of students who are matriculated in that program for a degree;
 - 8) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.

Iowa: Licensure as a mental health counselor in Iowa requires a degree from a CACREP accredited 60 credit (45 credits if the student graduated prior to June of 2012) master's or doctoral program with an emphasis in mental health counseling. Alternatively, an applicant may meet the educational requirement for licensure if their master's or doctorate program transcript demonstrates educational equivalency to CACREP accreditation in mental health counseling. The equivalency determination is made by the Center for Credentialing and Education (CCE) at the applicant's expense based on submission and review of the applicant's transcript (IA Admin Code § 645.31.6). The full list of considerations made by the CCE can be found in IA Admin Code § 645.31.6, and very closely mirror the requirements for CACREP accreditation.

Michigan: Applicants for a counselor license must have degree from either a master's or doctorate program in counseling or student personnel matters that is approved by the board (Mich. Admin Code § R 338.1752 (2)). Programs that are accredited by CACREP are automatically considered to be acceptable to the board. If the graduate program is not CACREP accredited, the applicant's degree program must consist of a 600 hour supervised clinical internship and at least 48 semester or 75 quarter credit hours including all of the following counseling related topics:

- 1) Career development.
- 2) Consulting.
- 3) Counseling techniques.
- 4) Counseling theories.
- 5) Counseling philosophy.
- 6) Group techniques.
- 7) Professional ethics.
- 8) Research methodology.
- 9) Multicultural counseling.
- 10) Testing procedures and assessment.
- 11) Practicum.

(Mich. Admin. Code § R 338.1752a).

Minnesota: Minnesota law requires applicants to have either a master's or doctorate in counseling or a related field, including at least 700 hours of supervised counseling experience. The course shall involve a minimum of 48 semester or 75 quarter credit hours and include all of the following topics:

- 1) The helping relationship, including counseling theory and practice;
- 2) Human growth and development;
- 3) Lifestyle and career development;
- 4) Group dynamics, processes, counseling, and consulting;
- 5) Assessment and appraisal;
- 6) Social and cultural foundations, including multicultural issues;
- 7) Principles of etiology, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- 8) Family counseling and therapy;
- 9) Research and evaluation; and
- 10) Professional counseling orientation and ethics.

(Minn. Stats. § 148B.53).

Summary of factual data and analytical methodologies:

The board is concerned that some academic programs accredited by CACREP do not meet the requirements of the board for equivalency to a master’s in professional counseling in MPSW 14. The board would instead like to take a nuanced approach to the matter, allowing automatic approval of some CACREP accredited programs, while requiring graduates of other CACREP accredited programs that are not enumerated by rule to show that they have taken courses that meet the board’s additional educational requirements.

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

The rule draft was posted on the department’s website for 14 days to solicit economic impact comments from local governments and small businesses. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708, DSPSAdminRules@wisconsin.gov, (608) 261-4463.

TEXT OF RULE

SECTION 1. MPSW 11.01 (2) (b) is repealed and recreated to read:

MPSW 11.01 (2) (b) A degree in one of the following specialty areas from a program which was accredited by the Council for Accreditation of Counseling and Related Educational Programs at the time the applicant graduated:

1. Addiction counseling.
2. Clinical mental health counseling.
3. Clinical rehabilitation counseling.
4. Marriage, couple, and family counseling.
5. Doctoral program in counselor education and supervision.

SECTION 2. MPSW 11.01 (2) (c) is amended to read:

MPSW 11.01 (2) (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, including Council for Accreditation of Counseling and Related Educational Programs accredited degree programs that are not listed in par. (b) but meet the requirements of s. MPSW 14.01 or 14.02.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

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

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.~~

MPSW 11.015 (2) A professional counselor training license is valid for 48 months, and may be renewed in two year intervals at the discretion of the professional counselor section. In determining whether to renew a professional counselor training license, the professional counselor section may request the following from the applicant:

(a) A statement explaining why the applicant needs additional time to complete the hours of professional counselor practice experience required under MPSW 11.01 (3).

(b) Documentation of any continuing education programs or other relevant training the applicant has completed since obtaining their professional counselor training license.

(c) A report from a person actively supervising the applicant under s. MPSW 12.02 (1), demonstrating that the applicant is making satisfactory progress towards completion of the professional counselor practice experience required under s. MPSW 11.01 (3).

(d) Other relevant documentation.

History: Cr. Register, January, 1995, No. 469, eff. 2-1-95; CR 01-027: rn. 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.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

Register May 2020 No. 773
is the date the chapter was last published.

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

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

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to repeal and recreate MPSW 11.015 (2); relating to professional counselor training license renewals.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 457.03 (1) and 457.13 (2), Stats.

Statutory authority:

Sections 15.08 (5) (b), 457.03 (1), and 457.13 (2), Stats.

Explanation of agency authority:

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.

Related statute or rule:

Chapters MPSW 11 and 12.

Plain language analysis:

This rule project provides criteria for the Professional Counselor Section to consider when determining whether to grant a renewal of a professional counselor training license. The applicant is required to submit for the section's consideration a statement as to the reason for requesting the renewal, documentation of any education or other training the applicant has received since obtaining their training license, and a progress report from the applicant's supervisor.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board held a preliminary hearing on the statement of scope for this rule at its January 26, 2021 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois: An individual seeking a clinical professional counselor license must graduate from a master's level degree program in counseling or similar, and complete at least 2 years of supervised practice after completing the master's program. Alternatively, an individual with a doctorate in professional counseling or similar program is required to complete at least 2 years of professional counseling experience, with at least one year completed subsequent to completing the doctorate program. Illinois does not issue a training license to individuals seeking licensure as a clinical professional counselor. [225 ILCS 107/45 (b)].

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. [IAC Rule 645.31.2]

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. [MI Admin Code R 338.1772]

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. [MI Admin Code R 338.1776 (2)]

Minnesota: The Minnesota Board of Behavioral Health and Therapy regulates licensed professional counselors (LPC) and licensed professional clinical counselor (LPCC). However, an individual does not need to have a LPC in order to apply for the LPCC. The LPCC requires completion of a master's or doctoral degree in counseling or related field determined by the board to be equivalent to a qualified counseling program, and that the individual completes graduate level clinical course as determined by the board. Additionally, an individual must have completed 4,000 hours of professional practice. [MN 148B.5301 Subd. 1, Stats.]

Summary of factual data and analytical methodologies:

The section would like to provide greater clarity for both its members reviewing requests for professional counselor training license renewals, as well as for applicants seeking renewals. The current rules state that the section may approve a renewal at its discretion, but does not state for how long the renewal lasts or what factors the section should consider in making such a determination.

The section believes that reviewing the applicant's reason for requesting the renewal, considering any education or other training the applicant has received since obtaining their training license, and reviewing the supervisor's progress report on the applicant, will provide the section with valuable information as to whether a renewal of the training license is appropriate.

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

The rule draft will be posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

Effect on small business:

None is anticipated, however the rule will be posted for 14 days on the department's website to solicit economic impact comments from businesses.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the beginning of the public hearing scheduled for TBD to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 11.015 (2) is repealed and recreated to read:

MPSW 11.015 (2) A professional counselor training license is valid for 48 months, and may be renewed in two year intervals at the discretion of the professional counselor section. In determining whether to renew a professional counselor training license, the professional counselor section may request the following from the applicant:

- (a) A statement explaining why the applicant needs additional time to complete the hours of professional counselor practice experience required under MPSW 11.01 (3).
- (b) Documentation of any continuing education programs or other relevant training the applicant has completed since obtaining their professional counselor training license.
- (c) A report from a person actively supervising the applicant under s. MPSW 12.02 (1), demonstrating that the applicant is making satisfactory progress towards completion of the professional counselor practice experience required under s. MPSW 11.01 (3).
- (d) Other relevant documentation.

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

(END OF TEXT OF RULE)

MPSW Examining Board
Rule Projects (updated 09/08/21)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
	002-21	07/04/2023	MPSW 11	PC Training licenses	Drafting preliminary rule draft	Board approval
CR 20-032	112-19	05/11/2022	MPSW 11	CACREP Programs	Adoption Order drafted	Board approval
CR 21-053	114-20	02/24/2023	MPSW 3, 11, and 17	Reciprocal credentials service members	Public Hearing rescheduled to 10/12/21. CH comments need to be approved	Board approval



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the "[Suggest an Agenda Item](#)" page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed "Public Agenda Request" form and send.

First Name: Andrew Bates, Dan Logsdon, and Matt Shafer

Last Name:

Association/Organization: The Council of State Governments

Subject: Consideration of the Counseling Compact

Issue to Address:

The Compact will allow licensed professional counselors in good standing, who reside and are licensed in a member state, to practice in other member states via an easily obtained privilege to practice. The Compact includes enhanced public protection features including FBI background checks for seekers of an initial privilege to practice and an interstate licensure data system to which all states contribute licensure and disciplinary information, allowing all member states to ensure that practitioners entering their state are in good standing in other states

We appreciate the opportunity to assist the Board as it weighs the Counseling Compact and potential future compacts