



**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 19, 2022**

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

12:30 P.M.

(OR IMMEDIATELY FOLLOWING THE MPSW EXAMINING BOARD MEETING)

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of October 12, 2021 (5-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements, and Recognition**
 - 1) Recognition: Kathleen Miller, Professional Counselor Section Member (Resigned: 12/15/2021)
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Section Updates
 - 2) Election of Officers, Appointments of Liaisons and Alternates, Delegation of Authorities **(8-15)**
 - 3) Section Member – Term Expiration Date
 - a. Brown, Cynthia – 7/1/2023
 - b. Scheidegger, Tammy H. – 7/1/2020
 - c. Simon, Andrea L. – 7/1/2023
- F. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- G. Credentialing Matters – Discussion and Consideration**
 - 1) Application Processing Report
- H. Legislative and Policy Matters – Discussion and Consideration (16)**
 - 1) 2021 Wisconsin Act 121 – Funding for Free and Charitable Clinics and Defining Telehealth **(17-18)**

- 2) 2021 Wisconsin Act 222 – Advanced Practice Social Workers and Independent Social Workers Treating Substance Use Disorder as a Specialty **(19)**

I. Administrative Rule Matters – Discussion and Consideration

- 1) Pending or Possible Rulemaking Projects **(20-21)**

J. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration

- 1) 2022 Counseling Regulatory Board Annual Summit – Hybrid **(22-25)**

K. COVID-19 – Discussion and Consideration

L. 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

M. 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.).

N. Credentialing Matters

- 1) **Application Reviews**
 - a. Dayna Ramstack, L.P.C.-T.L. Applicant **(26-51)**

O. Deliberation on DLSC Matters

1) Case Closings

- a. 20 CPC 045 – A.P.S. **(52-54)**
- b. 20 CPC 054 – M.I.A. **(55-68)**
- c. 20 CPC 060 – R.B. **(69-75)**
- d. 21 CPC 050 – B.C. **(76-79)**
- e. 21 CPC 057 – A.C.G. **(80-96)**
- f. 21 CPC 065 – J.A.S.E. **(97-108)**
- g. 21 CPC 066 – D.Y.D. **(109-112)**

2) Proposed Stipulations, Final Decisions and Orders

- a. 19 CPC 010, 20 CPC 036 – Sylvia M. Cohen, L.P.C. **(113-118)**
- b. 20 CPC 019 – Jeffrey A. Ahonen, L.P.C.-I.T., C.S.A.C. **(119-126)**
- c. 20 CPC 053, 21 CPC 028 – Lauren M. Pape, L.P.C.-I.T. **(127-134)**

3) Proposed Stipulations and Interim Orders

- a. 21 CPC 044 – Kristina M. Daul, L.P.C., C.S.A.C. **(135-139)**

4) Monitoring Matters

- a. Curt Clausen, L.P.C. – Requesting Reduction in Frequency of Psychiatric Treatment and Therapeutic Treatment to Once Every Three Months **(140-167)**
- b. David J. MacIntyre, L.P.C. – Requesting Change in Supervision from Direct to General **(168-193)**
- c. Charity Nikolay, L.P.C. – Requesting Full Licensure **(194-212)**

P. 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

Q. Consulting with Legal Counsel

- 1) Report of Cases Delegated to Chief Legal Counsel**
 - a. Case Closing 20 CPC 063 – M.I.A.

- b. Proposed Stipulations and Final Decisions and Orders
 - 1. 20 CPC 045 – Andrew P. Schmitz, LPC, CSAC **(213-217)**
 - 2. 21 CPC 029 – Jessica M. Ellingsworth, LPC **(218-228)**

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- R. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- S. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: OCTOBER 19, 2022

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PROFESSIONAL COUNSELOR SECTION
MEETING MINUTES
OCTOBER 12, 2021**

PRESENT: Kathleen Miller, Tammy Scheidegger, Andrea Simon

EXCUSED: Cynthia Brown

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other DSPS Staff

CALL TO ORDER

Andrea Simon, Chairperson, called the meeting to order at 12:31 p.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 21, 2021

MOTION: Tammy Scheidegger moved, seconded by Andrea Simon, to approve the Minutes of July 21, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft: MPSW 11, Relating to Professional Counselor Training Licenses

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to request the Professional Counselor Section Chairperson to review the recommended revisions and approve the revised preliminary rule draft of MPSW 11, relating to Professional Counselor In Training license renewal, for posting of economic impact comments and submission to the Clearinghouse following the Professional Counselor Section meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, 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: Kathleen Miller-yes; Tammy Scheidegger-yes; and Andrea Simon-yes. Motion carried unanimously.

The Section convened into Closed Session at 1:29 p.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

MOTION: Andrea Simon moved, seconded by Tammy Scheidegger, to issue an Administrative Warning in the matter of the following DLSC Cases:

1. 19 CPC 062 – E.G.B.
2. 20 CPC 037 – C.L.M.

Motion carried unanimously.

Case Closings

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to close the following DLSC Cases for the reasons outlined below:

1. 21 CPC 002 – T.T.B. – Lack of Jurisdiction (L1)
2. 21 CPC 008 – G.P.G. – Insufficient Evidence

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

21 CPC 006 – Susan E. Rood, LPC, LPC-IT, SAC-IT

MOTION: Andrea Simon moved, seconded by Kathleen Miller, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Susan E. Rood, LPC, LPC-IT, SAC-IT, DLSC Case Number 21 CPC 006. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Section reconvened into Open Session at 1:33 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

The meeting adjourned at 1:35 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 12/13/2021 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: Professional Counselor Section			
4) Meeting Date: 1/26/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.			
11) Authorization Katlin Schwartz 12/13/2021 <hr/> Signature of person making this request Date <hr/> Supervisor (Only required for post agenda deadline items) Date <hr/> Executive Director signature (Indicates approval for post agenda deadline items) Date			
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			

PROFESSIONAL COUNSELOR SECTION

2021 Elections and Liaison Appointments

ELECTION RESULTS	
Chairperson	Andrea Simon
Vice Chairperson	Cynthia Brown
Secretary	-Kathleen Miller-

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaisons	-Kathleen Miller,- Tammy Scheidegger, Andrea Simon
Education and Examination Liaison	Tammy Scheidegger <i>Alternate: Kathleen Miller</i>
Monitoring and Professional Assistance Procedure (PAP) Liaison(s)	Kathleen Miller <i>Alternate: Cynthia Brown</i>
Legislative Liaison(s)	-Kathleen Miller-
Travel Liaison(s)	Tammy Scheidegger
Screening Panel	Tammy Scheidegger, Cynthia Brown <i>Alternate: Andrea Simon</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession) to

sign documents on behalf of the Section in order to carry out its duties.
Motion carried unanimously.

MOTION: Andrea Simon moved, seconded by Kathleen Miller, in order to carry out duties of the Section, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Section hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a section member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Cynthia Brown moved, seconded by Andrea Simon, that in order to facilitate the completion of urgent matters between meetings, the Section delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving section member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Lack/Loss of Quorum

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Andrea Simon moved, seconded by Tammy Scheidegger, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 26, 2021 agenda materials on pages 13-14. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Kathleen Miller moved, seconded by Andrea Simon, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Section meetings on behalf of the Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Generic)

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Section and to act on behalf of the Section in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Section or Section liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Tammy Scheidegger moved, seconded by Andrea Simon, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of Professional Counseling. Motion carried unanimously.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: Tammy Scheidegger moved, seconded by Andrea Simon, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous Professional Counseling credential and there is no new conviction record. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Kathleen Miller moved, seconded by Andrea Simon, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: Kathleen Miller moved, seconded by Andrea Simon, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equivalent to the Section's requirements. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Kathleen Miller moved, seconded by Andrea Simon, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Tammy Scheidegger moved, seconded by Andrea Simon, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Section Member Contact Information to National Regulatory Related Bodies

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to authorize the Department staff to provide national regulatory related bodies with all section member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Tammy Scheidegger moved, seconded by Cynthia Brown to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Section's or Section designee's request. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Section regarding legislative matters. Motion carried unanimously.

Travel Liaison(s) Delegation

MOTION: Kathleen Miller moved, seconded by Tammy Scheidegger, to delegate authority to the Travel Liaison(s) to approve any section member travel. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
9. Grant or deny a request to appear before the Board/Section in closed session.
10. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
11. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

12. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
13. (*Dentistry only*) Ability to approve or deny all requests from a respondent.
14. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

- 1) Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
- 2) Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
- 3) Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
- 4) **Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.**


Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.
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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 04/11/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Professional Counselor Section			
4) Meeting Date: 04/19/2022	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable:	
10) Describe the issue and action that should be addressed: 1. 2021 WI Act 121 2. 2021 WI Act 222			
11) Authorization			
		04/11/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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



2021 Senate Bill 309

Date of enactment: **February 4, 2022**
Date of publication*: **February 5, 2022**

2021 WISCONSIN ACT 121

AN ACT *to renumber and amend* 250.15 (1); and *to create* 250.15 (1) (b), 250.15 (2) (d), 440.01 (1) (ab), (bm), (dg) and (hm) and 440.17 of the statutes; **relating to:** funding for free and charitable clinics and defining telehealth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 250.15 (1) of the statutes is renumbered 250.15 (1) (intro.) and amended to read:

250.15 (1) ~~DEFINITION DEFINITIONS.~~ (intro.) In this section, “community:

(a) “Community health center” means a health care entity that provides primary health care, health education and social services to low-income individuals.

SECTION 2. 250.15 (1) (b) of the statutes is created to read:

250.15 (1) (b) “Free and charitable clinics” means health care organizations that use a volunteer and staff model to provide health services to uninsured, underinsured, underserved, economically and socially disadvantaged, and vulnerable populations and that meet all of the following criteria:

1. The organizations are nonprofit and tax exempt under section 501 (c) (3) of the Internal Revenue Code or are a part of a larger nonprofit, tax-exempt organization.

2. The organizations are located in this state or serve residents in this state.

3. The organizations restrict eligibility to receive services to individuals who are uninsured, underinsured, or have limited or no access to primary, specialty, or prescription care.

4. The organizations provide one or more of the following services:

a. Medical care.

b. Mental health care.

c. Dental care.

d. Prescription medications.

5. The organizations use volunteer health care professionals, nonclinical volunteers, and partnerships with other health care providers to provide the services under subd. 4.

6. The organizations are not federally qualified health centers as defined in 42 USC 1396d (l) (2) and do not receive reimbursement from the federal centers for medicare and medicaid services under a federally qualified health center payment methodology.

SECTION 3. 250.15 (2) (d) of the statutes is created to read:

250.15 (2) (d) To free and charitable clinics, \$1,500,000.

SECTION 4. 440.01 (1) (ab), (bm), (dg) and (hm) of the statutes are created to read:

440.01 (1) (ab) “Asynchronous telehealth service” means telehealth that is used to transmit medical data about a patient to a health care provider when the transmission is not a 2-way, real-time interactive communication.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

(bm) “Interactive telehealth” means telehealth delivered using multimedia communication technology that permits 2–way, real–time, interactive communications between a health care provider at a distant site and the patient or the patient’s health care provider.

(dg) “Remote patient monitoring” means telehealth in which a patient’s medical data is transmitted to a health care provider for monitoring and response if necessary.

(hm) “Telehealth” means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit

or a consultation or are used to transfer medically relevant data about a patient. “Telehealth” includes asynchronous telehealth services, interactive telehealth, and remote patient monitoring.

SECTION 5. 440.17 of the statutes is created to read:

440.17 Telehealth. If the department, an examining board, or an affiliated credentialing board promulgates rules related to telehealth, the department, the examining board, or the affiliated credentialing board shall define “telehealth” to have the meaning given in s. 440.01 (1) (hm).

State of Wisconsin



2021 Assembly Bill 686

Date of enactment: April 8, 2022
Date of publication*: April 9, 2022

2021 WISCONSIN ACT 222

AN ACT *to amend* 440.88 (3m), 457.02 (5), 457.02 (5m) and 961.385 (2) (cm) 1. (intro.) of the statutes; **relating to:** advanced practice social workers and independent social workers treating substance use disorder as a specialty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.88 (3m) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

440.88 (3m) EXCEPTION. This section does not apply to a physician, as defined in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), an independent social worker, as defined in s. 457.01 (2g), an advanced practice social worker, as defined in s. 457.01 (1c), a psychologist licensed under s. 455.04 (1) or (2), a marriage and family therapist, as defined in s. 457.01 (3), or a professional counselor, as defined in s. 457.01 (7), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her ~~license~~ credential.

SECTION 2. 457.02 (5) of the statutes is amended to read:

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

SECTION 3. 457.02 (5m) of the statutes is amended to read:

457.02 (5m) Authorize any individual who is certified under s. 457.08 (1), ~~(2), or (3)~~, 457.09 (1), or 457.14 (1) (a) to (c) to treat substance use disorder as a specialty unless the individual is a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88.

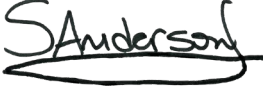
SECTION 4. 961.385 (2) (cm) 1. (intro.) of the statutes is amended to read:

961.385 (2) (cm) 1. (intro.) A practitioner, pharmacist, registered nurse licensed under s. 441.06, or substance abuse counselor, as defined in s. 440.88 (1) (b), or an individual ~~licensed~~ holding a credential under s. 457.08 ~~(2), (3), or (4)~~, 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f) who treats alcohol or substance dependency or abuse as a specialty, if any of the following is applicable:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**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: 07/07/2022 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 of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: July 19, 2022	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. 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: Attachments: <ul style="list-style-type: none"> • Professional Counselor Section Rule Projects chart 			
11) Authorization			
		07/07/2022	
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.			

**Professional Counselor Section of the MPSW Examining Board
Rule Projects (updated 7/7/2022)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
CR 21-094	002-21	07/04/2023	MPSW 11	PC Training licenses	The board will consider creating criteria for the PC section to consider when deciding to grant a renewal of a training license.	Adoption Order ready to be presented at the July meeting.	Once Adoption Order is approved, it will be submitted for publication in the Administrative Register.
CR 21-053	114-20	02/24/2023	MPSW 3, 11, and 17	Reciprocal credentials service members	Creates provisions allowing for a streamlined process for service members, former service members, and their spouses to apply for a reciprocal credential as required by 2019 Act 143.	Adoption Order ready to be presented at the July meeting.	Once Adoption Order is approved, it will be submitted for publication in the Administrative Register.
			MPSW 1 to 20	Telehealth Comprehensive Review	The Board requested to do a comprehensive review of all their chapters while implementing 2021 WI Act 121.	Scope Statement submitted to Governor on 6/10/2022.	Once we receive the Governor's approval, Scope Statement will be submitted to Administrative Register for publication.
			MPSW 1	Substance Use Disorder practice for APSW and ISW	The Board would like to update MPSW 1 in order to implement 2021 WI Act 222 relating to APSW and ISW being able to provide substance use disorder treatment without a specialty.	Scope Statement submitted to Governor on 6/10/2022.	Once we receive the Governor's approval, Scope Statement will be submitted to Administrative Register for publication.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 7/13/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Professional Counselor Section			
4) Meeting Date: 7/19/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relation Requests, and Reports 1) 2022 Counseling Regulatory Board Annual Summit - Hybrid	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
		7/13/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			

2022 Agenda



**COUNSELING
REGULATORY BOARDS
ANNUAL SUMMIT**
CCE ■ NBCC

WEDNESDAY, August 3rd

2:00-6:00 Registration

Paris Foyer

6:30-8:30 Welcome Reception

Chez Colette

THURSDAY, August 4th

Day 1 Focus: Deepening Our Regulatory Knowledge & Skills

7:30-9:00 Registration

Paris Foyer

7:00-8:30 Breakfast

Paris Foyer

9:00-9:10 Welcome

Paris Ballroom

9:10-10:00 Preparing Your Board to Connect to the Compact Commission

Paris Ballroom

10:00-10:15 Break

Paris Foyer

Morning Session: Focusing on the Technical

10:15-10:45 Host State Highlights

Paris Ballroom

10:45-11:15 Ethical Issues: Overview and Cross-State Considerations

Paris Ballroom

11:15-Noon Examination: Reporting & Tools

Paris Ballroom

Noon-1:00 Lunch

Paris Foyer

2022 Agenda



**COUNSELING
REGULATORY BOARDS
ANNUAL SUMMIT**
CCE ■ NBCC

Afternoon Session: Knowledge in Action

1:00-2:30	Panel Discussion: Thriving as a Compact Community	Paris Ballroom
2:30-2:45	Break	Paris Foyer
2:45-3:30	Legislative panel discussion	Paris Ballroom Presenter
3:30-4:30	Legislative Issues Round Tables	Paris Ballroom Dijon Cannes Bordeaux
6:00-7:00	Dinner	Paris Foyer

FRIDAY, August 5th

Day 2 Focus: Impact & Innovations

8:00-8:30	Walking Tour, optional	Location
8:00-9:30	Breakfast	Paris Foyer
9:00-10:00	NBCC Communications Council (Closed Session)	Biarritz
9:30 – 9:45	Reconvening & Opening Remarks	Paris Ballroom
9:45 – 10:45	Intentionality: Transforming Community Health	Paris Ballroom
10:45-11:00	Break	

2022 Agenda



**COUNSELING
REGULATORY BOARDS
ANNUAL SUMMIT**
CCE ■ NBCC

11:00-11:30	Innovations in SUD Services	Paris Ballroom
11:30-12:00	Regulatory Innovations & Challenges	Paris Ballroom
Noon-1:00	Lunch -Sponsored by the NBCC Foundation	
1:00-2:00	Systems of Support for Professionals Dealing with SUD	Paris Ballroom
2:00-3:00	Hot Topics, Round Tables	Paris Ballroom Dijon Cannes Bordeaux
3:00-3:15	Break	
3:15-4:00	Moving Forward Together: Open Discussion	
4:00-4:30	Closing Remarks	
4:45-5:00	Adjourn	
6:15	Meet in the Lobby	Depart for Closing Event, Transportation Provided
6:30-9:00	Counseling Summit Dinner	Dinner Cruise