



VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Christine Poleski (608) 266-2112
April 20, 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 PROFESSIONAL COUNSELOR SECTION MEETING)

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of January 26, 2021 (3-6)**
- C. Reminders: Scheduling Concerns**
- D. Introductions, Announcements, and Recognition**
 - 1) Recognition of Abike Sanyaolu, Social Worker Section Public Member
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Member – Term Expiration Date
- F. Guidance Document Regarding Conversion Therapy – Discussion and Consideration (61-62) *Additional Materials***
- G. MPSW 20.02(13), Wis. Admin. Code: Dual Relationships – Discussion and Consideration**
- H. Administrative Rule Matters – Discussion and Consideration (7)**
 - 1) MPSW 3, 11, and 17 – Application Requirements – Preliminary Rule Draft **(63-82) *Additional Materials***
 - 2) MPSW 11 – PC Training Licenses – Four State Analysis **(83) *Additional Materials***
 - 3) MPSW 11 – CACREP Programs
 - 4) MPSW 20 – Unprofessional Conduct
 - 5) Pending or Possible Rulemaking Projects **(8)**

- I. Legislative and Policy Matters – Discussion and Consideration**
 - 1) Senate Bill 31/Assembly Bill 14 – Relating to Rules Defining Unprofessional Conduct **(9-15)**
 - 2) Georgia Compact for Social Workers, Professional Counselors, and Marriage and Family Therapists **(16-46)**
 - 3) House of Representatives (HR) 432: Mental Health Access Improvement Act of 2021 **(47-54)**
- J. Credentialing Matters – Discussion and Consideration**
 - 1) 2021-2023 Licensure Fee and Credential Schedule **(55-60)**
- K. COVID-19 – Discussion and Consideration**
- 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: JULY 20, 2021

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL
WORK EXAMINING BOARD
MEETING MINUTES
JANUARY 26, 2021**

PRESENT: Cynthia Adell, Cynthia Brown (*arrived at 10:47 a.m.*), Bridget Ellingboe, Elizabeth Krueger, Lindsey Marsh, Kathleen Miller (*arrived at 10:48 a.m.*), Abike Sanyaolu, Tammy Scheidegger (*arrived at 11:00 a.m.*), Andrea Simon, Nancy Unzueta Saiz, Lisa Yee

EXCUSED: Candace Coates

STAFF: Christine Poleski, Executive Director; Jameson Whitney, Legal Counsel; Dale Kleven, Rules Coordinator; Megan Glaeser, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv. and other DSPS Staff

CALL TO ORDER

Bridget Ellingboe, Chairperson, called the meeting to order at 10:46 a.m. A quorum was confirmed with eight (8) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Open Session: **REMOVE** “H. MPSW 20.02(13) Dual Relationships”

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

(Cynthia Brown arrived at 10:47 a.m.)

(Kathleen Miller arrived at 10:48 a.m.)

APPROVAL OF MINUTES OF OCTOBER 13, 2020

MOTION: Elizabeth Krueger moved, seconded by Lindsey Marsh, to approve the Minutes of October 13, 2020 as published. Motion carried unanimously.

**PUBLIC HEARING: PRELIMINARY PUBLIC HEARING ON SCOPE STATEMENT FOR
MPSW 11 RELATING TO PROFESSIONAL COUNSELOR TRAINING LICENSES**

MOTION: Tammy Scheidegger moved, seconded by Kathleen Miller, to approve the scope statement for MPSW 11, relating to professional counselor training licenses, for implementation. Motion carried unanimously.

**PUBLIC HEARING: PRELIMINARY PUBLIC HEARING ON SCOPE FOR MPSW 3, 11,
AND 17 RELATING TO APPLICATION REQUIREMENTS FOR CREDENTIALS**

MOTION: Cynthia Adell moved, seconded by Lisa Yee, to approve the scope statement for MPSW 3, 11, and 17, relating to application requirements for credentials, for implementation. Motion carried unanimously.

ADMINISTRATIVE MATTERS

(Tammy Scheidegger arrived at 11:00 a.m.)

Election of Officers

Chairperson

NOMINATION: Bridget Ellingboe nominated Lindsey Marsh for the Office of Chairperson. Lindsey Marsh accepted the nomination.

Christine Poleski, Executive Director, called for nominations three (3) times.

Lindsey Marsh was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Elizabeth Krueger nominated Candace Coates for the Office of Vice Chairperson.

Christine Poleski, Executive Director, called for nominations three (3) times.

Candace Coates was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Tammy Scheidegger nominated Andrea Simon for the Office of Secretary. Andrea Simon accepted the nomination.

Christine Poleski, Executive Director, called for nominations three (3) times.

Andrea Simon was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Lindsey Marsh
Vice Chairperson	Candace Coates
Secretary	Andrea Simon

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS

Substance Abuse Disorder Specialty Liaison	Cynthia Adell <i>Alternate: Kathleen Miller</i>
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Delegation of Authorities

Document Signature Delegations

MOTION: Tammy Scheidegger moved, seconded by Elizabeth Krueger, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Elizabeth Krueger moved, seconded by Andrea Simon, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board 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 Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Bridget Ellingboe moved, seconded by Elizabeth Krueger, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Substance Abuse Disorder Specialty Liaison(s) Delegation

MOTION: Kathleen Miller moved, seconded by Lisa Yee, to delegate authority to the Substance Abuse Disorder Specialty Liaison(s) to address all issues pertaining to specialty designations. Motion carried unanimously.

ADMINISTRATIVE RULES MATTERS

Review Draft Report Required by s. 227.29 Wis. Stats

MOTION: Tammy Scheidegger moved, seconded by Bridget Ellingboe, to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report required under Wis. Stat. 227.29 for submission in March 2021 to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

PUBLIC COMMENTS

Christine: plan to communicate any upcoming legislative sessions regarding Guidance Document Regarding Conversion Therapy

ADJOURNMENT

MOTION: Andrea Simon moved, seconded by Nancy Unzueta Saiz, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:18 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kevyn Radcliffe Administrative Rules Coordinator		2) Date when request submitted: April 8, 2021 <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: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: April 20, 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 <ol style="list-style-type: none"> 1. MPSW 3, 11, and 17 – application requirements – Preliminary Rule Draft - Review and Discussion 2. MPSW 11 – PC Training licenses – Four State Analysis – Review and Discussion 3. MPSW 11 – CACREP Programs – Update 4. MPSW – 20 – Unprofessional conduct – Update 5. Pending and 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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px;"> <i>Kevyn Radcliffe</i> April 8, 2021 </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px;"> Signature of person making this request Date </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px;"> Supervisor (if required) Date </div> <div style="display: flex; justify-content: space-between; border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </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.			

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

Notes: Chart current as of April 8, 2021

<p>MPSW 11 – CACREP Programs SS 112-19 CR 20-032 Exp 5/11/2022</p>	<p>Removal of automatic acceptance of CACREP accredited programs for the purposes of equivalency to a professional counseling masters or doctorate degree</p>	<p>Legislative Review; JCRAR juris ends 4/22</p>	<p>Draft adoption order for 7/20 meeting</p>
<p>MPSW 11 – PC Training licenses SS 002-21 CR Exp. 7/4/2023</p>	<p>The board will consider creating criteria for the PC section to consider when deciding to grant a renewal of a training license</p>	<p>Scope Implemented 1/26</p>	<p>Four state analysis complete; awaiting drafting instructions from Board</p>
<p>MPSW – 20 – Unprofessional conduct SS 060-18 CR 19-166 Exp.</p>	<p>Conversion therapy; overhaul of unprofessional conduct statute</p>	<p>Rule is in a holding pattern until the end of the next legislative session (late 2022) to see whether the legislature passes a bill to block the rule. If no bill passes, the board may adopt the rule.</p>	<p>Track bill – SB 031 scheduled for Senate Floor calendar 3/16/2021;</p>
<p>MPSW 3, 11 and 17 – Application Requirements SS 114-20 CR Exp 2/24/2023</p>	<p>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.</p>	<p>Scope Implemented 1/26; first draft of preliminary rule complete; sent to peer review 4/8</p>	<p>Present Preliminary Rule Draft to MPSW Board on 4/21</p>

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 4/14/2021 <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: MPSW Examining Board			
4) Meeting Date: 4/20/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters 1) Senate Bill 31/Assembly Bill 14 – Relating to Rules Defining Unprofessional Conduct	
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 required: N/A	
10) Describe the issue and action that should be addressed: Review and discuss SB 31 and AB 14. Note: Discussion may occur during agenda item H. Administrative Rule Matters; 4) MPSW Unprofessional Conduct			
11) Authorization			
<i>Kimberly Wood</i>		4/14/2021	
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			
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2021 SENATE BILL 31

January 28, 2021 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT** *to renumber and amend* 457.03 (2); and *to create* 457.03 (2) (a) 1. to
2 4. and 457.03 (2) (b) of the statutes; **relating to:** rules defining unprofessional
3 conduct by marriage and family therapists, professional counselors, and social
4 workers.

Analysis by the Legislative Reference Bureau

This bill prohibits the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board from promulgating rules that establish certain forms of conduct by marriage and family therapists, professional counselors, and social workers (credential holders) as unprofessional conduct. Current law authorizes the examining board to promulgate rules governing the professional conduct of credential holders, and credential holders are subject to discipline for violating the examining board's rules.

Under the bill, the examining board may not promulgate a rule that does anything proposed by clearinghouse rule 19-166 or that establishes that any of the following constitutes unprofessional conduct by a credential holder: 1) discriminating on the basis of gender, gender identity, or ethnicity; 2) engaging in sexual conduct with a former client; 3) employing or promoting a treatment that attempts to change a person's sexual orientation or gender identity; and 4) failing to adequately supervise subordinates.

Proposed by the examining board, clearinghouse rule 19-166 established the following as constituting unprofessional conduct by a credential holder: 1) discriminating on the basis of gender, gender identity, or ethnicity; 2) failing to

SENATE BILL 31

comply with child abuse reporting requirements; 3) engaging in sexual conduct with either a person taught, supervised, or instructed by the credential holder or with a former client; 4) taking unfair advantage of clients, students, supervisees, or professional relationships; 5) failing to notify the examining board of a conviction against the credential holder; 6) employing or promoting a treatment that attempts to change a person's sexual orientation or gender identity; 7) aiding or assisting an unlawful practice of marriage and family therapy, professional counseling, or social work; 8) failing to obtain a client's written, informed consent before recording the client; 9) failing to adequately supervise subordinates; 10) refusing to cooperate in a timely manner with the examining board's investigations; and 11) withholding documentation of clinical experience hours completed by a person the credential holder supervises.

The bill is introduced as required by s. 227.19 (5) (g), stats., in support of the objection of the Joint Committee for Review of Administrative Rules to promulgation of clearinghouse rule 19-166 by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. The proposed rule, as described above, made various changes to rules defining unprofessional conduct for marriage and family therapists, professional counselors, and social workers.

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

1 **SECTION 1.** 457.03 (2) of the statutes is renumbered 457.03 (2) (a) (intro.) and
2 amended to read:

3 457.03 (2) (a) (intro.) Upon the advice of the social worker section, marriage
4 and family therapist section, and professional counselor section, promulgate rules
5 establishing a code of ethics to govern the professional conduct of certificate holders
6 and licensees. The rules shall specify the services included within the practice of
7 social work, advanced practice social work, or independent social work that an
8 individual who is certified under this chapter as a social worker, advanced practice
9 social worker, or independent social worker may perform and the degree of
10 supervision, if any, required to perform those services. The rules promulgated under
11 this paragraph may not do anything proposed by clearinghouse rule 19-166 as
12 submitted to the legislature under s. 227.19 on March 9, 2020. The rules

SENATE BILL 31

1 promulgated under this paragraph may not establish that any of the following
2 constitutes unprofessional conduct:

3 **SECTION 2.** 457.03 (2) (a) 1. to 4. of the statutes are created to read:

4 457.03 (2) (a) 1. Discriminating on the basis of gender, gender identity, or
5 ethnicity by means of service provided or denied.

6 2. Engaging in sexual contact, sexual conduct, or any other behavior that could
7 be construed as seductive, romantic, harassing, or exploitative, with a former client,
8 regardless of the amount of time that that has passed since the termination of
9 professional services.

10 3. Employing or promoting any intervention or method that has the purpose
11 of attempting to change a person's sexual orientation or gender identity, including
12 attempting to change behaviors or expressions of self or to reduce sexual or romantic
13 attractions or feelings toward individuals of the same gender.

14 4. Failing to adequately supervise subordinates.

15 **SECTION 3.** 457.03 (2) (b) of the statutes is created to read:

16 457.03 (2) (b) 1. The rules promulgated under par. (a) shall establish an amount
17 of time after contact with a client within which a credential holder shall prepare
18 clinical records.

19 2. Notwithstanding par. (a) 4., the examining board may promulgate a rule
20 establishing that a credential holder's failure to adequately supervise subordinates
21 constitutes unprofessional conduct, if the rule clearly specifies the degree of
22 supervision over subordinates that a credential holder is required to exercise.

23 (END)



2021 ASSEMBLY BILL 14

January 25, 2021 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on State Affairs.

1 **AN ACT** *to renumber and amend* 457.03 (2); and *to create* 457.03 (2) (a) 1. to
2 4. and 457.03 (2) (b) of the statutes; **relating to:** rules defining unprofessional
3 conduct by marriage and family therapists, professional counselors, and social
4 workers.

Analysis by the Legislative Reference Bureau

This bill prohibits the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board from promulgating rules that establish certain forms of conduct by marriage and family therapists, professional counselors, and social workers (credential holders) as unprofessional conduct. Current law authorizes the examining board to promulgate rules governing the professional conduct of credential holders, and credential holders are subject to discipline for violating the examining board's rules.

Under the bill, the examining board may not promulgate a rule that does anything proposed by clearinghouse rule 19-166 or that establishes that any of the following constitutes unprofessional conduct by a credential holder: 1) discriminating on the basis of gender, gender identity, or ethnicity; 2) engaging in sexual conduct with a former client; 3) employing or promoting a treatment that attempts to change a person's sexual orientation or gender identity; and 4) failing to adequately supervise subordinates.

Proposed by the examining board, clearinghouse rule 19-166 established the following as constituting unprofessional conduct by a credential holder: 1) discriminating on the basis of gender, gender identity, or ethnicity; 2) failing to

ASSEMBLY BILL 14

comply with child abuse reporting requirements; 3) engaging in sexual conduct with either a person taught, supervised, or instructed by the credential holder or with a former client; 4) taking unfair advantage of clients, students, supervisees, or professional relationships; 5) failing to notify the examining board of a conviction against the credential holder; 6) employing or promoting a treatment that attempts to change a person's sexual orientation or gender identity; 7) aiding or assisting an unlawful practice of marriage and family therapy, professional counseling, or social work; 8) failing to obtain a client's written, informed consent before recording the client; 9) failing to adequately supervise subordinates; 10) refusing to cooperate in a timely manner with the examining board's investigations; and 11) withholding documentation of clinical experience hours completed by a person the credential holder supervises.

The bill is introduced as required by s. 227.19 (5) (g), stats., in support of the objection of the Joint Committee for Review of Administrative Rules to promulgation of clearinghouse rule 19-166 by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. The proposed rule, as described above, made various changes to rules defining unprofessional conduct for marriage and family therapists, professional counselors, and social workers.

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

1 **SECTION 1.** 457.03 (2) of the statutes is renumbered 457.03 (2) (a) (intro.) and
2 amended to read:

3 457.03 (2) (a) (intro.) Upon the advice of the social worker section, marriage
4 and family therapist section, and professional counselor section, promulgate rules
5 establishing a code of ethics to govern the professional conduct of certificate holders
6 and licensees. The rules shall specify the services included within the practice of
7 social work, advanced practice social work, or independent social work that an
8 individual who is certified under this chapter as a social worker, advanced practice
9 social worker, or independent social worker may perform and the degree of
10 supervision, if any, required to perform those services. The rules promulgated under
11 this paragraph may not do anything proposed by clearinghouse rule 19-166 as
12 submitted to the legislature under s. 227.19 on March 9, 2020. The rules

ASSEMBLY BILL 14**SECTION 1**

1 promulgated under this paragraph may not establish that any of the following
2 constitutes unprofessional conduct:

3 **SECTION 2.** 457.03 (2) (a) 1. to 4. of the statutes are created to read:

4 457.03 (2) (a) 1. Discriminating on the basis of gender, gender identity, or
5 ethnicity by means of service provided or denied.

6 2. Engaging in sexual contact, sexual conduct, or any other behavior that could
7 be construed as seductive, romantic, harassing, or exploitative, with a former client,
8 regardless of the amount of time that that has passed since the termination of
9 professional services.

10 3. Employing or promoting any intervention or method that has the purpose
11 of attempting to change a person's sexual orientation or gender identity, including
12 attempting to change behaviors or expressions of self or to reduce sexual or romantic
13 attractions or feelings toward individuals of the same gender.

14 4. Failing to adequately supervise subordinates.

15 **SECTION 3.** 457.03 (2) (b) of the statutes is created to read:

16 457.03 (2) (b) 1. The rules promulgated under par. (a) shall establish an amount
17 of time after contact with a client within which a credential holder shall prepare
18 clinical records.

19 2. Notwithstanding par. (a) 4., the examining board may promulgate a rule
20 establishing that a credential holder's failure to adequately supervise subordinates
21 constitutes unprofessional conduct, if the rule clearly specifies the degree of
22 supervision over subordinates that a credential holder is required to exercise.

23 (END)

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Christine Poleski, Executive Director for Chairperson Marsh		2) Date when request submitted: 4/14/21 <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: MPSW Examining Board			
4) Meeting Date: 4/20/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Georgia Compact for Social Workers, Professional Counselors, and Marriage and Family Therapists	
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 required:	
10) Describe the issue and action that should be addressed: Georgia Compact - includes social workers, professional counselors and marriage and family therapists. GA HB395 2021-2022 Regular Session LegiScan			
11) Authorization			
Christine Poleski		4/14/2021	
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	
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House Bill 395 (AS PASSED HOUSE AND SENATE)

By: Representatives Belton of the 112th, Werkheiser of the 157th, Corbett of the 174th, Lumsden of the 12th, Holcomb of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to
2 professional counselors, social workers, and marriage and family therapists, so as to revise
3 certain licensing provisions; to enter into an interstate compact known as the "Professional
4 Counselors Licensure Compact"; to authorize the Georgia Composite Board of Professional
5 Counselors, Social Workers, and Marriage and Family Therapists to administer the compact
6 in this state; to authorize the board to conduct national background checks; to provide for
7 conditions; to provide for eligibility; to provide for related matters; to provide for a short
8 title; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to professional
12 counselors, social workers, and marriage and family therapists, is amended by revising Code
13 Section 43-10A-5, relating to requirement of oath, quorum, powers and duties of board,
14 ethics, reimbursement of members, and meetings, by adding new subsections to read as
15 follows:

H. B. 395

- 1 -

16 "(h) The board shall administer the Professional Counselors Licensure Compact contained
17 in Article 2 of this chapter.

18 (i) The board is authorized to conduct national background checks by the submission of
19 fingerprints to the Federal Bureau of Investigation through the Georgia Crime Information
20 Center; provided, however, that reports from such background checks shall not be shared
21 with entities outside of this state."

22 **SECTION 2.**

23 Said chapter is further amended by revising subsection (a) of Code Section 43-10A-8,
24 relating to eligibility for licensure, as follows:

25 "43-10A-8.

26 No person shall be eligible for licensure under this chapter unless such person furnishes
27 satisfactory evidence to the board of all of the following:

28 (1) Having met the education, training, and experience requirements of Code Section
29 43-10A-11, 43-10A-12, or 43-10A-13 regarding that specialty for which a license is
30 sought;

31 (2) Having successfully passed the examination established for that specialty under Code
32 Section 43-10A-9, except that persons meeting the requirements of
33 subparagraph (a)(2)(A) of Code Section 43-10A-13 shall not be required to pass such
34 examination;

35 (3) Having paid any required license fee; ~~and~~

36 (4) Having furnished at least two personal references from supervisors, teachers, or any
37 combination thereof; and

38 (5) Having satisfactory results from a fingerprint record check report conducted by the
39 Georgia Crime Information Center and the Federal Bureau of Investigation, as
40 determined by the board. Application for the issuance of a license under this Code
41 section shall constitute express consent and authorization for the board to perform a

42 criminal background check. Each applicant who submits an application to the board for
 43 licensure agrees to provide the board with any and all information necessary to run a
 44 criminal background check, including, but not limited to, classifiable sets of fingerprints.
 45 Any such applicant shall be responsible for all fees associated with the performance of
 46 such background check."

47 **SECTION 3.**

48 Said chapter is further amended by redesignating provisions of said chapter as Article 1, by
 49 replacing "this chapter" with "this article" everywhere such term occurs in the new article,
 50 and by adding a new article to read as follows:

51 "ARTICLE 2

52 43-10A-50.

53 This article shall be known and may be cited as "The Professional Counselors Licensure
 54 Compact Act.'

55 43-10A-51.

56 The Professional Counselors Licensure Compact is enacted into law and entered into by
 57 the State of Georgia with any and all other states legally joining therein in the form
 58 substantially as follows:

59 PROFESSIONAL COUNSELORS LICENSURE COMPACT

60 SECTION 1. PURPOSE

61 The purpose of this Compact is to facilitate interstate practice of Licensed Professional
 62 Counselors with the goal of improving public access to Professional Counseling services.

63 The practice of Professional Counseling occurs in the State where the client is located at the
64 time of the counseling services. The Compact preserves the regulatory authority of States
65 to protect public health and safety through the current system of State licensure.

66 This Compact is designed to achieve the following objectives:

67 A. Increase public access to Professional Counseling services by providing for the mutual
68 recognition of other Member State licenses;

69 B. Enhance the States' ability to protect the public's health and safety;

70 C. Encourage the cooperation of Member States in regulating multistate practice for
71 Licensed Professional Counselors;

72 D. Support spouses of relocating Active Duty Military personnel;

73 E. Enhance the exchange of licensure, investigative, and disciplinary information among
74 Member States;

75 F. Allow for the use of Telehealth technology to facilitate increased access to Professional
76 Counseling services;

77 G. Support the uniformity of Professional Counseling licensure requirements throughout
78 the States to promote public safety and public health benefits;

79 H. Invest all Member States with the authority to hold a Licensed Professional Counselor
80 accountable for meeting all State practice laws in the State in which the client is located at
81 the time care is rendered through the mutual recognition of Member State licenses;

82 I. Eliminate the necessity for licenses in multiple States; and

83 J. Provide opportunities for interstate practice by Licensed Professional Counselors who
84 meet uniform licensure requirements.

85 SECTION 2. DEFINITIONS

86 As used in this Compact, and except as otherwise provided, the following definitions shall
87 apply:

- 88 A. "Active Duty Military" means full-time duty status in the active uniformed service of
89 the United States, including members of the National Guard and Reserve on active duty
90 orders pursuant to 10 U.S.C. Chapters 1209 and 1211.
- 91 B. "Adverse Action" means any administrative, civil, equitable or criminal action
92 permitted by a State's laws which is imposed by a licensing board or other authority against
93 a Licensed Professional Counselor, including actions against an individual's license or
94 Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee,
95 limitation on the licensee's practice, or any other Encumbrance on licensure affecting a
96 Licensed Professional Counselor's authorization to practice, including issuance of a cease
97 and desist action.
- 98 C. "Alternative Program" means a non-disciplinary monitoring or practice remediation
99 process approved by a Professional Counseling Licensing Board to address Impaired
100 Practitioners.
- 101 D. "Continuing Competence/Education" means a requirement, as a condition of license
102 renewal, to provide evidence of participation in, and/or completion of, educational and
103 professional activities relevant to practice or area of work.
- 104 E. "Counseling Compact Commission" or "Commission" means the national
105 administrative body whose membership consists of all States that have enacted the
106 Compact.
- 107 F. "Current Significant Investigative Information" means:
- 108 1. Investigative Information that a Licensing Board, after a preliminary inquiry that
109 includes notification and an opportunity for the Licensed Professional Counselor to
110 respond, if required by State law, has reason to believe is not groundless and, if proved
111 true, would indicate more than a minor infraction; or
- 112 2. Investigative Information that indicates that the Licensed Professional Counselor
113 represents an immediate threat to public health and safety regardless of whether the
114 Licensed Professional Counselor has been notified and had an opportunity to respond.

- 115 G. "Data System" means a repository of information about Licensees, including, but not
116 limited to, continuing education, examination, licensure, investigative, Privilege to Practice
117 and Adverse Action information.
- 118 H. "Encumbered License" means a license in which an Adverse Action restricts the
119 practice of licensed Professional Counseling by the Licensee and said Adverse Action has
120 been reported to the National Practitioners Data Bank (NPDB).
- 121 I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and
122 unrestricted practice of Licensed Professional Counseling by a Licensing Board.
- 123 J. "Executive Committee" means a group of directors elected or appointed to act on behalf
124 of, and within the powers granted to them by, the Commission.
- 125 K. "Home State" means the Member State that is the Licensee's primary State of residence.
- 126 L. "Impaired Practitioner" means an individual who has a condition(s) that may impair
127 their ability to practice as a Licensed Professional Counselor without some type of
128 intervention and may include, but are not limited to, alcohol and drug dependence, mental
129 health impairment, and neurological or physical impairments.
- 130 M. "Investigative Information" means information, records, and documents received or
131 generated by a Professional Counseling Licensing Board pursuant to an investigation.
- 132 N. "Jurisprudence Requirement" if required by a Member State, means the assessment of
133 an individual's knowledge of the laws and Rules governing the practice of Professional
134 Counseling in a State.
- 135 O. "Licensed Professional Counselor" means a counselor licensed by a Member State,
136 regardless of the title used by that State, to independently assess, diagnose, and treat
137 behavioral health conditions.
- 138 P. "Licensee" means an individual who currently holds an authorization from the State to
139 practice as a Licensed Professional Counselor.
- 140 Q. "Licensing Board" means the agency of a State, or equivalent, that is responsible for
141 the licensing and regulation of Licensed Professional Counselors.

- 142 R. "Member State" means a State that has enacted the Compact.
- 143 S. "Privilege to Practice" means a legal authorization, which is equivalent to a license,
 144 permitting the practice of Professional Counseling in a Remote State.
- 145 T. "Professional Counseling" means the assessment, diagnosis, and treatment of behavioral
 146 health conditions by a Licensed Professional Counselor.
- 147 U. "Remote State" means a Member State other than the Home State, where a Licensee
 148 is exercising or seeking to exercise the Privilege to Practice.
- 149 V. "Rule" means a regulation promulgated by the Commission that has the force of law.
- 150 W. "Single State License" means a Licensed Professional Counselor license issued by a
 151 Member State that authorizes practice only within the issuing State and does not include
 152 a Privilege to Practice in any other Member State.
- 153 X. "State" means any state, commonwealth, district, or territory of the United States of
 154 America that regulates the practice of Professional Counseling.
- 155 Y. "Telehealth" means the application of telecommunication technology to deliver
 156 Professional Counseling services remotely to assess, diagnose, and treat behavioral health
 157 conditions.
- 158 Z. "Unencumbered License" means a license that authorizes a Licensed Professional
 159 Counselor to engage in the full and unrestricted practice of Professional Counseling.

160 SECTION 3. STATE PARTICIPATION IN THE COMPACT

- 161 A. To Participate in the Compact, a State must currently:
- 162 1. License and regulate Licensed Professional Counselors;
- 163 2. Require Licensees to pass a nationally recognized exam approved by the Commission;
- 164 3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in
 165 counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including
 166 the following topic areas:
- 167 a. Professional Counseling Orientation and Ethical Practice;

- 168 b. Social and Cultural Diversity;
 169 c. Human Growth and Development;
 170 d. Career Development;
 171 e. Counseling and Helping Relationships;
 172 f. Group Counseling and Group Work;
 173 g. Diagnosis and Treatment; Assessment and Testing;
 174 h. Research and Program Evaluation; and
 175 i. Other areas as determined by the Commission.
- 176 4. Require Licensees to complete a supervised postgraduate professional experience as
 177 defined by the Commission;
- 178 5. Have a mechanism in place for receiving and investigating complaints about
 179 Licensees.
- 180 B. A Member State shall:
- 181 1. Participate fully in the Commission's Data System, including using the Commission's
 182 unique identifier as defined in Rules;
- 183 2. Notify the Commission, in compliance with the terms of the Compact and Rules, of
 184 any Adverse Action or the availability of Investigative Information regarding a Licensee;
- 185 3. Implement or utilize procedures for considering the criminal history records of
 186 applicants for an initial Privilege to Practice. These procedures shall include the
 187 submission of fingerprints or other biometric-based information by applicants for the
 188 purpose of obtaining an applicant's criminal history record information from the Federal
 189 Bureau of Investigation and the agency responsible for retaining that State's criminal
 190 records;
- 191 a. A member state must fully implement a criminal background check requirement,
 192 within a time frame established by rule, by receiving the results of the Federal Bureau
 193 of Investigation record search and shall use the results in making licensure decisions.

194 b. Communication between a Member State, the Commission and among Member
195 States regarding the verification of eligibility for licensure through the Compact shall
196 not include any information received from the Federal Bureau of Investigation relating
197 to a federal criminal records check performed by a Member State under Public Law
198 92-544.

199 4. Comply with the Rules of the Commission;

200 5. Require an applicant to obtain or retain a license in the Home State and meet the
201 Home State's qualifications for licensure or renewal of licensure, as well as all other
202 applicable State laws;

203 6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License
204 in another Member State in accordance with the terms of the Compact and Rules; and

205 7. Provide for the attendance of the State's commissioner to the Counseling Compact
206 Commission meetings.

207 C. Member States may charge a fee for granting the Privilege to Practice.

208 D. Individuals not residing in a Member State shall continue to be able to apply for a
209 Member State's Single State License as provided under the laws of each Member State.
210 However, the Single State License granted to these individuals shall not be recognized as
211 granting a Privilege to Practice Professional Counseling in any other Member State.

212 E. Nothing in this Compact shall affect the requirements established by a Member State
213 for the issuance of a Single State License.

214 F. A license issued to a Licensed Professional Counselor by a Home State to a resident in
215 that State shall be recognized by each Member State as authorizing a Licensed Professional
216 Counselor to practice Professional Counseling, under a Privilege to Practice, in each
217 Member State.

218 SECTION 4. PRIVILEGE TO PRACTICE

219 A. To exercise the Privilege to Practice under the terms and provisions of the Compact,
220 the Licensee shall:

221 1. Hold a license in the Home State;

222 2. Have a valid United States Social Security Number or National Practitioner Identifier;

223 3. Be eligible for a Privilege to Practice in any Member State in accordance with
224 Section 4(D), (G) and (H);

225 4. Have not had any Encumbrance or restriction against any license or Privilege to
226 Practice within the previous two (2) years;

227 5. Notify the Commission that the Licensee is seeking the Privilege to Practice within
228 a Remote State(s);

229 6. Pay any applicable fees, including any State fee, for the Privilege to Practice;

230 7. Meet any Continuing Competence/Education requirements established by the Home
231 State;

232 8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the
233 Licensee is seeking a Privilege to Practice; and

234 9. Report to the Commission any Adverse Action, Encumbrance, or restriction on license
235 taken by any non-Member State within 30 days from the date the action is taken.

236 B. The Privilege to Practice is valid until the expiration date of the Home State license.
237 The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege
238 to Practice in the Remote State.

239 C. A Licensee providing Professional Counseling in a Remote State under the Privilege
240 to Practice shall adhere to the laws and regulations of the Remote State.

241 D. A Licensee providing Professional Counseling services in a Remote State is subject to
242 that State's regulatory authority. A Remote State may, in accordance with due process and
243 that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a
244 specific period of time, impose fines, and/or take any other necessary actions to protect the

245 health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice
246 in any Member State until the specific time for removal has passed and all fines are paid.

247 E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice
248 in any Remote State until the following occur:

249 1. The Home State license is no longer encumbered; and

250 2. Have not had any Encumbrance or restriction against any license or Privilege to
251 Practice within the previous two (2) years.

252 F. Once an Encumbered License in the Home State is restored to good standing, the
253 Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice in
254 any Remote State.

255 G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may
256 lose the Privilege to Practice in all other Remote States until the following occur:

257 1. The specific period of time for which the Privilege to Practice was removed has
258 ended;

259 2. All fines have been paid; and

260 3. Have not had any Encumbrance or restriction against any license or Privilege to
261 Practice within the previous two (2) years.

262 H. Once the requirements of Section 4(G) have been met, the Licensee must meet the
263 requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.

264 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE
265 TO PRACTICE

266 A. A Licensed Professional Counselor may hold a Home State license, which allows for
267 a Privilege to Practice in other Member States, in only one Member State at a time.

268 B. If a Licensed Professional Counselor changes primary State of residence by moving
269 between two Member States:

- 270 1. The Licensed Professional Counselor shall file an application for obtaining a new
271 Home State license based on a Privilege to Practice, pay all applicable fees, and notify
272 the current and new Home State in accordance with applicable Rules adopted by the
273 Commission.
- 274 2. Upon receipt of an application for obtaining a new Home State license by virtue of a
275 Privilege to Practice, the new Home State shall verify that the Licensed Professional
276 Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without
277 need for primary source verification except for:
- 278 a. a Federal Bureau of Investigation fingerprint based criminal background check if not
279 previously performed or updated pursuant to applicable rules adopted by the
280 Commission in accordance with Public Law 92-544;
- 281 b. other criminal background check as required by the new Home State; and
- 282 c. completion of any requisite Jurisprudence Requirements of the new Home State.
- 283 3. The former Home State shall convert the former Home State license into a Privilege
284 to Practice once the new Home State has activated the new Home State license in
285 accordance with applicable Rules adopted by the Commission.
- 286 4. Notwithstanding any other provision of this Compact, if the Licensed Professional
287 Counselor cannot meet the criteria in Section 4, the new Home State may apply its
288 requirements for issuing a new Single State License.
- 289 5. The Licensed Professional Counselor shall pay all applicable fees to the new Home
290 State in order to be issued a new Home State license.
- 291 C. If a Licensed Professional Counselor changes Primary State of Residence by moving
292 from a Member State to a non-Member State, or from a non-Member State to a Member
293 State, the State criteria shall apply for issuance of a Single State License in the new State.
- 294 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
295 License in multiple States, however for the purposes of this Compact, a Licensee shall have
296 only one Home State license.

297 E. Nothing in this Compact shall affect the requirements established by a Member State
298 for the issuance of a Single State License.

299 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

300 Active Duty Military personnel, or their spouse, shall designate a Home State where the
301 individual has a current license in good standing. The individual may retain the Home State
302 designation during the period the service member is on active duty. Subsequent to
303 designating a Home State, the individual shall only change their Home State through
304 application for licensure in the new State, or through the process outlined in Section 5.

305 SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

306 A. Member States shall recognize the right of a Licensed Professional Counselor, licensed
307 by a Home State in accordance with Section 3 and under Rules promulgated by the
308 Commission, to practice Professional Counseling in any Member State via Telehealth
309 under a Privilege to Practice as provided in the Compact and Rules promulgated by the
310 Commission.

311 B. A Licensee providing Professional Counseling services in a Remote State under the
312 Privilege to Practice shall adhere to the laws and regulations of the Remote State.

313 SECTION 8. ADVERSE ACTIONS

314 A. In addition to the other powers conferred by State law, a Remote State shall have the
315 authority, in accordance with existing State due process law, to:

316 1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice
317 within that Member State, and

318 2. Issue subpoenas for both hearings and investigations that require the attendance and
319 testimony of witnesses as well as the production of evidence. Subpoenas issued by a
320 Licensing Board in a Member State for the attendance and testimony of witnesses or the

321 production of evidence from another Member State shall be enforced in the latter State
322 by any court of competent jurisdiction, according to the practice and procedure of that
323 court applicable to subpoenas issued in proceedings pending before it. The issuing
324 authority shall pay any witness fees, travel expenses, mileage, and other fees required by
325 the service statutes of the State in which the witnesses or evidence are located.

326 3. Only the Home State shall have the power to take Adverse Action against a Licensed
327 Professional Counselor's license issued by the Home State.

328 B. For purposes of taking Adverse Action, the Home State shall give the same priority and
329 effect to reported conduct received from a Member State as it would if the conduct had
330 occurred within the Home State. In so doing, the Home State shall apply its own State laws
331 to determine appropriate action.

332 C. The Home State shall complete any pending investigations of a Licensed Professional
333 Counselor who changes primary State of residence during the course of the investigations.
334 The Home State shall also have the authority to take appropriate action(s) and shall
335 promptly report the conclusions of the investigations to the administrator of the Data
336 System. The administrator of the coordinated licensure information system shall promptly
337 notify the new Home State of any Adverse Actions.

338 D. A Member State, if otherwise permitted by State law, may recover from the affected
339 Licensed Professional Counselor the costs of investigations and dispositions of cases
340 resulting from any Adverse Action taken against that Licensed Professional Counselor.

341 E. A Member State may take Adverse Action based on the factual findings of the Remote
342 State, provided that the Member State follows its own procedures for taking the Adverse
343 Action.

344 F. Joint Investigations:

345 1. In addition to the authority granted to a Member State by its respective Professional
346 Counseling practice act or other applicable State law, any Member State may participate
347 with other Member States in joint investigations of Licensees.

348 2. Member States shall share any investigative, litigation, or compliance materials in
 349 furtherance of any joint or individual investigation initiated under the Compact.

350 G. If Adverse Action is taken by the Home State against the license of a Licensed
 351 Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all
 352 other Member States shall be deactivated until all Encumbrances have been removed from
 353 the State license. All Home State disciplinary orders that impose Adverse Action against
 354 the license of a Licensed Professional Counselor shall include a Statement that the
 355 Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States
 356 during the pendency of the order.

357 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of
 358 the Data System. The administrator of the Data System shall promptly notify the Home
 359 State of any Adverse Actions by Remote States.

360 I. Nothing in this Compact shall override a Member State's decision that participation in
 361 an Alternative Program may be used in lieu of Adverse Action.

362 -

363 SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

364 A. The Compact Member States hereby create and establish a joint public agency known
 365 as the Counseling Compact Commission:

366 1. The Commission is an instrumentality of the Compact States.

367 2. Venue is proper and judicial proceedings by or against the Commission shall be
 368 brought solely and exclusively in a court of competent jurisdiction where the principal
 369 office of the Commission is located. The Commission may waive venue and
 370 jurisdictional defenses to the extent it adopts or consents to participate in alternative
 371 dispute resolution proceedings.

372 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

373 B. Membership, Voting, and Meetings

374 1. Each Member State shall have and be limited to one (1) delegate selected by that
375 Member State's Licensing Board.

376 2. The delegate shall be either:

377 a. A current member of the Licensing Board at the time of appointment, who is a
378 Licensed Professional Counselor or public member; or

379 b. An administrator of the Licensing Board.

380 3. Any delegate may be removed or suspended from office as provided by the law of the
381 State from which the delegate is appointed.

382 4. The Member State Licensing Board shall fill any vacancy occurring on the
383 Commission within 60 days.

384 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
385 Rules and creation of bylaws and shall otherwise have an opportunity to participate in the
386 business and affairs of the Commission.

387 6. A delegate shall vote in person or by such other means as provided in the bylaws. The
388 bylaws may provide for delegates' participation in meetings by telephone or other means
389 of communication.

390 7. The Commission shall meet at least once during each calendar year. Additional
391 meetings shall be held as set forth in the bylaws.

392 8. The Commission shall by Rule establish a term of office for delegates and may by
393 Rule establish term limits.

394 C. The Commission shall have the following powers and duties:

395 1. Establish the fiscal year of the Commission;

396 2. Establish bylaws;

397 3. Maintain its financial records in accordance with the bylaws;

398 4. Meet and take such actions as are consistent with the provisions of this Compact and
399 the bylaws;

- 400 5. Promulgate Rules which shall be binding to the extent and in the manner provided for
401 in the Compact;
- 402 6. Bring and prosecute legal proceedings or actions in the name of the Commission,
403 provided that the standing of any State Licensing Board to sue or be sued under
404 applicable law shall not be affected;
- 405 7. Purchase and maintain insurance and bonds;
- 406 8. Borrow, accept, or contract for services of personnel, including, but not limited to,
407 employees of a Member State;
- 408 9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
409 individuals appropriate authority to carry out the purposes of the Compact, and establish
410 the Commission's personnel policies and programs relating to conflicts of interest,
411 qualifications of personnel, and other related personnel matters;
- 412 10. Accept any and all appropriate donations and grants of money, equipment, supplies,
413 materials, and services, and to receive, utilize, and dispose of the same; provided that at
414 all times the Commission shall avoid any appearance of impropriety and/or conflict of
415 interest;
- 416 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
417 improve or use, any property, real, personal or mixed; provided that at all times the
418 Commission shall avoid any appearance of impropriety;
- 419 12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
420 property real, personal, or mixed;
- 421 13. Establish a budget and make expenditures;
- 422 14. Borrow money;
- 423 15. Appoint committees, including standing committees composed of members, State
424 regulators, State legislators or their representatives, and consumer representatives, and
425 such other interested persons as may be designated in this Compact and the bylaws;

426 16. Provide and receive information from, and cooperate with, law enforcement
427 agencies;

428 17. Establish and elect an Executive Committee; and

429 18. Perform such other functions as may be necessary or appropriate to achieve the
430 purposes of this Compact consistent with the State regulation of Professional Counseling
431 licensure and practice.

432 D. The Executive Committee

433 1. The Executive Committee shall have the power to act on behalf of the Commission
434 according to the terms of this Compact.

435 2. The Executive Committee shall be composed of up to eleven (11) members:

436 a. Seven voting members who are elected by the Commission from the current
437 membership of the Commission; and

438 b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national
439 professional counselor organizations.

440 c. The ex-officio members will be selected by their respective organizations.

441 3. The Commission may remove any member of the Executive Committee as provided
442 in bylaws.

443 4. The Executive Committee shall meet at least annually.

444 5. The Executive Committee shall have the following duties and responsibilities:

445 a. Recommend to the entire Commission changes to the Rules or bylaws, changes to
446 this Compact legislation, fees paid by Compact Member States such as annual dues, and
447 any Commission Compact fee charged to Licensees for the Privilege to Practice;

448 b. Ensure Compact administration services are appropriately provided, contractual or
449 otherwise;

450 c. Prepare and recommend the budget;

451 d. Maintain financial records on behalf of the Commission;

452 e. Monitor Compact compliance of Member States and provide compliance reports to
453 the Commission;

454 f. Establish additional committees as necessary; and

455 g. Other duties as provided in Rules or bylaws.

456 E. Meetings of the Commission

457 1. All meetings shall be open to the public, and public notice of meetings shall be given
458 in the same manner as required under the Rulemaking provisions in Section 11.

459 2. The Commission or the Executive Committee or other committees of the Commission
460 may convene in a closed, non-public meeting if the Commission or Executive Committee
461 or other committees of the Commission must discuss:

462 a. Non-compliance of a Member State with its obligations under the Compact;

463 b. The employment, compensation, discipline or other matters, practices or procedures
464 related to specific employees or other matters related to the Commission's internal
465 personnel practices and procedures;

466 c. Current, threatened, or reasonably anticipated litigation;

467 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
468 estate;

469 e. Accusing any person of a crime or formally censuring any person;

470 f. Disclosure of trade secrets or commercial or financial information that is privileged
471 or confidential;

472 g. Disclosure of information of a personal nature where disclosure would constitute a
473 clearly unwarranted invasion of personal privacy;

474 h. Disclosure of investigative records compiled for law enforcement purposes;

475 i. Disclosure of information related to any investigative reports prepared by or on
476 behalf of or for use of the Commission or other committee charged with responsibility
477 of investigation or determination of compliance issues pursuant to the Compact; or

478 j. Matters specifically exempted from disclosure by federal or Member State statute.

479 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
480 Commission's legal counsel or designee shall certify that the meeting may be closed and
481 shall reference each relevant exempting provision.

482 4. The Commission shall keep minutes that fully and clearly describe all matters
483 discussed in a meeting and shall provide a full and accurate summary of actions taken,
484 and the reasons therefore, including a description of the views expressed. All documents
485 considered in connection with an action shall be identified in such minutes. All minutes
486 and documents of a closed meeting shall remain under seal, subject to release by a
487 majority vote of the Commission or order of a court of competent jurisdiction.

488 F. Financing of the Commission

489 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of
490 its establishment, organization, and ongoing activities.

491 2. The Commission may accept any and all appropriate revenue sources, donations, and
492 grants of money, equipment, supplies, materials, and services.

493 3. The Commission may levy on and collect an annual assessment from each Member
494 State or impose fees on other parties to cover the cost of the operations and activities of
495 the Commission and its staff, which must be in a total amount sufficient to cover its
496 annual budget as approved each year for which revenue is not provided by other sources.
497 The aggregate annual assessment amount shall be allocated based upon a formula to be
498 determined by the Commission, which shall promulgate a Rule binding upon all Member
499 States.

500 4. The Commission shall not incur obligations of any kind prior to securing the funds
501 adequate to meet the same; nor shall the Commission pledge the credit of any of the
502 Member States, except by and with the authority of the Member State.

503 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
504 receipts and disbursements of the Commission shall be subject to the audit and
505 accounting procedures established under its bylaws. However, all receipts and

506 disbursements of funds handled by the Commission shall be audited yearly by a certified
507 or licensed public accountant, and the report of the audit shall be included in and become
508 part of the annual report of the Commission.

509 G. Qualified Immunity, Defense, and Indemnification

510 1. The members, officers, executive director, employees and representatives of the
511 Commission shall be immune from suit and liability, either personally or in their official
512 capacity, for any claim for damage to or loss of property or personal injury or other civil
513 liability caused by or arising out of any actual or alleged act, error or omission that
514 occurred, or that the person against whom the claim is made had a reasonable basis for
515 believing occurred within the scope of Commission employment, duties or
516 responsibilities; provided that nothing in this paragraph shall be construed to protect any
517 such person from suit and/or liability for any damage, loss, injury, or liability caused by
518 the intentional or willful or wanton misconduct of that person.

519 2. The Commission shall defend any member, officer, executive director, employee or
520 representative of the Commission in any civil action seeking to impose liability arising
521 out of any actual or alleged act, error, or omission that occurred within the scope of
522 Commission employment, duties, or responsibilities, or that the person against whom the
523 claim is made had a reasonable basis for believing occurred within the scope of
524 Commission employment, duties, or responsibilities; provided that nothing herein shall
525 be construed to prohibit that person from retaining his or her own counsel; and provided
526 further, that the actual or alleged act, error, or omission did not result from that person's
527 intentional or willful or wanton misconduct.

528 3. The Commission shall indemnify and hold harmless any member, officer, executive
529 director, employee, or representative of the Commission for the amount of any settlement
530 or judgment obtained against that person arising out of any actual or alleged act, error,
531 or omission that occurred within the scope of Commission employment, duties, or
532 responsibilities, or that such person had a reasonable basis for believing occurred within

533 the scope of Commission employment, duties, or responsibilities, provided that the actual
534 or alleged act, error, or omission did not result from the intentional or willful or wanton
535 misconduct of that person.

536 SECTION 10. DATA SYSTEM

537 A. The Commission shall provide for the development, maintenance, operation, and
538 utilization of a coordinated database and reporting system containing licensure, Adverse
539 Action, and Investigative Information on all licensed individuals in Member States.

540 B. Notwithstanding any other provision of State law to the contrary, a Member State shall
541 submit a uniform data set to the Data System on all individuals to whom this Compact is
542 applicable as required by the Rules of the Commission, including:

543 1. Identifying information;

544 2. Licensure data;

545 3. Adverse Actions against a license or Privilege to Practice;

546 4. Non-confidential information related to Alternative Program participation;

547 5. Any denial of application for licensure, and the reason(s) for such denial;

548 6. Current Significant Investigative Information; and

549 7. Other information that may facilitate the administration of this Compact, as
550 determined by the Rules of the Commission.

551 C. Investigative Information pertaining to a Licensee in any Member State will only be
552 available to other Member States.

553 D. The Commission shall promptly notify all Member States of any Adverse Action taken
554 against a Licensee or an individual applying for a license. Adverse Action information
555 pertaining to a Licensee in any Member State will be available to any other Member State.

556 E. Member States contributing information to the Data System may designate information
557 that may not be shared with the public without the express permission of the contributing
558 State.

559 F. Any information submitted to the Data System that is subsequently required to be
560 expunged by the laws of the Member State contributing the information shall be removed
561 from the Data System.

562 SECTION 11. RULEMAKING

563 A. The Commission shall promulgate reasonable Rules in order to effectively and
564 efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the
565 event the Commission exercises its Rulemaking authority in a manner that is beyond the
566 scope of the purposes of the Compact, or the powers granted hereunder, then such an action
567 by the Commission shall be invalid and have no force or effect.

568 B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth
569 in this Section and the Rules adopted thereunder. Rules and amendments shall become
570 binding as of the date specified in each Rule or amendment.

571 C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of
572 a statute or resolution in the same manner used to adopt the Compact within four (4) years
573 of the date of adoption of the Rule, then such Rule shall have no further force and effect
574 in any Member State.

575 D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of
576 the Commission.

577 E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at
578 least thirty (30) days in advance of the meeting at which the Rule will be considered and
579 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

- 580 1. On the website of the Commission or other publicly accessible platform; and
581 2. On the website of each Member State Professional Counseling Licensing Board or
582 other publicly accessible platform or the publication in which each State would otherwise
583 publish proposed Rules.

584 F. The Notice of Proposed Rulemaking shall include:

585 1. The proposed time, date, and location of the meeting in which the Rule will be
586 considered and voted upon;

587 2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

588 3. A request for comments on the proposed Rule from any interested person; and

589 4. The manner in which interested persons may submit notice to the Commission of their
590 intention to attend the public hearing and any written comments.

591 G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit
592 written data, facts, opinions, and arguments, which shall be made available to the public.

593 H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule
594 or amendment if a hearing is requested by:

595 1. At least twenty-five (25) persons;

596 2. A State or federal governmental subdivision or agency; or

597 3. An association having at least twenty-five (25) members.

598 I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish
599 the place, time, and date of the scheduled public hearing. If the hearing is held via
600 electronic means, the Commission shall publish the mechanism for access to the electronic
601 hearing.

602 1. All persons wishing to be heard at the hearing shall notify the executive director of the
603 Commission or other designated member in writing of their desire to appear and testify
604 at the hearing not less than five (5) business days before the scheduled date of the
605 hearing.

606 2. Hearings shall be conducted in a manner providing each person who wishes to
607 comment a fair and reasonable opportunity to comment orally or in writing.

608 3. All hearings will be recorded. A copy of the recording will be made available on
609 request.

610 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
611 Rules may be grouped for the convenience of the Commission at hearings required by
612 this section.

613 J. Following the scheduled hearing date, or by the close of business on the scheduled
614 hearing date if the hearing was not held, the Commission shall consider all written and oral
615 comments received.

616 K. If no written notice of intent to attend the public hearing by interested parties is
617 received, the Commission may proceed with promulgation of the proposed Rule without
618 a public hearing.

619 L. The Commission shall, by majority vote of all members, take final action on the
620 proposed Rule and shall determine the effective date of the Rule, if any, based on the
621 Rulemaking record and the full text of the Rule.

622 M. Upon determination that an emergency exists, the Commission may consider and adopt
623 an emergency Rule without prior notice, opportunity for comment, or hearing, provided
624 that the usual Rulemaking procedures provided in the Compact and in this section shall be
625 retroactively applied to the Rule as soon as reasonably possible, in no event later than
626 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
627 emergency Rule is one that must be adopted immediately in order to:

- 628 1. Meet an imminent threat to public health, safety, or welfare;
- 629 2. Prevent a loss of Commission or Member State funds;
- 630 3. Meet a deadline for the promulgation of an administrative Rule that is established by
631 federal law or Rule; or
- 632 4. Protect public health and safety.

633 N. The Commission or an authorized committee of the Commission may direct revisions
634 to a previously adopted Rule or amendment for purposes of correcting typographical errors,
635 errors in format, errors in consistency, or grammatical errors. Public notice of any
636 revisions shall be posted on the website of the Commission. The revision shall be subject

637 to challenge by any person for a period of thirty (30) days after posting. The revision may
638 be challenged only on grounds that the revision results in a material change to a Rule. A
639 challenge shall be made in writing and delivered to the chair of the Commission prior to
640 the end of the notice period. If no challenge is made, the revision will take effect without
641 further action. If the revision is challenged, the revision may not take effect without the
642 approval of the Commission.

643 SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

644 A. Oversight

645 1. The executive, legislative, and judicial branches of State government in each Member
646 State shall enforce this Compact and take all actions necessary and appropriate to
647 effectuate the Compact's purposes and intent. The provisions of this Compact and the
648 Rules promulgated hereunder shall have standing as statutory law.

649 2. All courts shall take judicial notice of the Compact and the Rules in any judicial or
650 administrative proceeding in a Member State pertaining to the subject matter of this
651 Compact which may affect the powers, responsibilities, or actions of the Commission.

652 3. The Commission shall be entitled to receive service of process in any such proceeding
653 and shall have standing to intervene in such a proceeding for all purposes. Failure to
654 provide service of process to the Commission shall render a judgment or order void as
655 to the Commission, this Compact, or promulgated Rules.

656 B. Default, Technical Assistance, and Termination

657 1. If the Commission determines that a Member State has defaulted in the performance
658 of its obligations or responsibilities under this Compact or the promulgated Rules, the
659 Commission shall:

660 a. Provide written notice to the defaulting State and other Member States of the nature
661 of the default, the proposed means of curing the default and/or any other action to be
662 taken by the Commission; and

663 b. Provide remedial training and specific technical assistance regarding the default.

664 C. If a State in default fails to cure the default, the defaulting State may be terminated from
665 the Compact upon an affirmative vote of a majority of the Member States, and all rights,
666 privileges and benefits conferred by this Compact may be terminated on the effective date
667 of termination. A cure of the default does not relieve the offending State of obligations or
668 liabilities incurred during the period of default.

669 D. Termination of membership in the Compact shall be imposed only after all other means
670 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
671 be given by the Commission to the governor, the majority and minority leaders of the
672 defaulting State's legislature, and each of the Member States.

673 E. A State that has been terminated is responsible for all assessments, obligations, and
674 liabilities incurred through the effective date of termination, including obligations that
675 extend beyond the effective date of termination.

676 F. The Commission shall not bear any costs related to a State that is found to be in default
677 or that has been terminated from the Compact, unless agreed upon in writing between the
678 Commission and the defaulting State.

679 G. The defaulting State may appeal the action of the Commission by petitioning the U.S.
680 District Court for the District of Columbia or the federal district where the Commission has
681 its principal offices. The prevailing member shall be awarded all costs of such litigation,
682 including reasonable attorney's fees.

683 H. Dispute Resolution

684 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
685 related to the Compact that arise among Member States and between member and
686 non-Member States.

687 2. The Commission shall promulgate a Rule providing for both mediation and binding
688 dispute resolution for disputes as appropriate.

689 I. Enforcement

690 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
691 provisions and Rules of this Compact.

692 2. By majority vote, the Commission may initiate legal action in the United States
693 District Court for the District of Columbia or the federal district where the Commission
694 has its principal offices against a Member State in default to enforce compliance with the
695 provisions of the Compact and its promulgated Rules and bylaws. The relief sought may
696 include both injunctive relief and damages. In the event judicial enforcement is
697 necessary, the prevailing member shall be awarded all costs of such litigation, including
698 reasonable attorney's fees.

699 3. The remedies herein shall not be the exclusive remedies of the Commission. The
700 Commission may pursue any other remedies available under federal or State law.

701 SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT
702 COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

703 A. The Compact shall come into effect on the date on which the Compact statute is
704 enacted into law in the tenth Member State. The provisions, which become effective at that
705 time, shall be limited to the powers granted to the Commission relating to assembly and the
706 promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking
707 powers necessary to the implementation and administration of the Compact.

708 B. Any State that joins the Compact subsequent to the Commission's initial adoption of
709 the Rules shall be subject to the Rules as they exist on the date on which the Compact
710 becomes law in that State. Any Rule that has been previously adopted by the Commission
711 shall have the full force and effect of law on the day the Compact becomes law in that
712 State.

713 C. Any Member State may withdraw from this Compact by enacting a statute repealing
714 the same.

715 1. A Member State's withdrawal shall not take effect until six (6) months after enactment
716 of the repealing statute.

717 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
718 Professional Counseling Licensing Board to comply with the investigative and Adverse
719 Action reporting requirements of this act prior to the effective date of withdrawal.

720 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
721 Professional Counseling licensure agreement or other cooperative arrangement between
722 a Member State and a non-Member State that does not conflict with the provisions of this
723 Compact.

724 E. This Compact may be amended by the Member States. No amendment to this Compact
725 shall become effective and binding upon any Member State until it is enacted into the laws
726 of all Member States.

727 SECTION 14. CONSTRUCTION AND SEVERABILITY

728 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
729 provisions of this Compact shall be severable and if any phrase, clause, sentence or provision
730 of this Compact is declared to be contrary to the constitution of any Member State or of the
731 United States or the applicability thereof to any government, agency, person or circumstance
732 is held invalid, the validity of the remainder of this Compact and the applicability thereof to
733 any government, agency, person or circumstance shall not be affected thereby. If this
734 Compact shall be held contrary to the constitution of any Member State, the Compact shall
735 remain in full force and effect as to the remaining Member States and in full force and effect
736 as to the Member State affected as to all severable matters.

737 SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

738 A. A Licensee providing Professional Counseling services in a Remote State under the
739 Privilege to Practice shall adhere to the laws and regulations, including scope of practice,
740 of the Remote State.

741 B. Nothing herein prevents the enforcement of any other law of a Member State that is not
742 inconsistent with the Compact.

743 C. Any laws in a Member State in conflict with the Compact are superseded to the extent
744 of the conflict.

745 D. Any lawful actions of the Commission, including all Rules and bylaws properly
746 promulgated by the Commission, are binding upon the Member States.

747 E. All permissible agreements between the Commission and the Member States are
748 binding in accordance with their terms.

749 F. In the event any provision of the Compact exceeds the constitutional limits imposed on
750 the legislature of any Member State, the provision shall be ineffective to the extent of the
751 conflict with the constitutional provision in question in that Member State."

752 **SECTION 4.**

753 All laws and parts of laws in conflict with this Act are repealed.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Christine Poleski, Executive Director for Chairperson Marsh		2) Date when request submitted: 4/14/21 <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: MPSW Examining Board											
4) Meeting Date: 4/20/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? House of Representatives (HR) 432: Mental Health Access Improvement Act of 2021									
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: H.R. 432: Mental Health Access Improvement Act of 2021 Text of H.R. 432: Mental Health Access Improvement Act of 2021 (Introduced version) - GovTrack.us											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">Christine Poleski</td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">4/14/2021</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				Christine Poleski	4/14/2021	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	
Christine Poleski	4/14/2021										
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.											

117TH CONGRESS
1ST SESSION

H. R. 432

To amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2021

Mr. THOMPSON of California (for himself and Mr. KATKO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mental Health Access
5 Improvement Act of 2021”.

1 **SEC. 2. COVERAGE OF MARRIAGE AND FAMILY THERAPIST**
 2 **SERVICES AND MENTAL HEALTH COUNSELOR**
 3 **SERVICES UNDER PART B OF THE MEDICARE**
 4 **PROGRAM.**

5 (a) COVERAGE OF SERVICES.—

6 (1) IN GENERAL.—Section 1861(s)(2) of the
 7 Social Security Act (42 U.S.C. 1395x(s)(2)) is
 8 amended—

9 (A) in subparagraph (GG), by striking
 10 “and” after the semicolon at the end;

11 (B) in subparagraph (HH), by inserting
 12 “and” after the semicolon at the end; and

13 (C) by adding at the end the following new
 14 subparagraph:

15 “(II) marriage and family therapist services (as
 16 defined in subsection (III)(1)) and mental health
 17 counselor services (as defined in subsection
 18 (III)(3));”.

19 (2) DEFINITIONS.—Section 1861 of the Social
 20 Security Act (42 U.S.C. 1395x) is amended by add-
 21 ing at the end the following new subsection:

22 “Marriage and Family Therapist Services; Marriage and
 23 Family Therapist; Mental Health Counselor Serv-
 24 ices; Mental Health Counselor

25 “(III)(1) The term ‘marriage and family therapist
 26 services’ means services performed by a marriage and

1 family therapist (as defined in paragraph (2)) for the diag-
2 nosis and treatment of mental illnesses, which the mar-
3 riage and family therapist is legally authorized to perform
4 under State law (or the State regulatory mechanism pro-
5 vided by State law) of the State in which such services
6 are performed, as would otherwise be covered if furnished
7 by a physician or as an incident to a physician’s profes-
8 sional service, but only if no facility or other provider
9 charges or is paid any amounts with respect to the fur-
10 nishing of such services.

11 “(2) The term ‘marriage and family therapist’ means
12 an individual who—

13 “(A) possesses a master’s or doctoral degree
14 which qualifies for licensure or certification as a
15 marriage and family therapist pursuant to State
16 law;

17 “(B) after obtaining such degree has performed
18 at least 2 years of clinical supervised experience in
19 marriage and family therapy; and

20 “(C) in the case of an individual performing
21 services in a State that provides for licensure or cer-
22 tification of marriage and family therapists, is li-
23 censed or certified as a marriage and family thera-
24 pist in such State.

1 “(3) The term ‘mental health counselor services’
2 means services performed by a mental health counselor (as
3 defined in paragraph (4)) for the diagnosis and treatment
4 of mental illnesses which the mental health counselor is
5 legally authorized to perform under State law (or the
6 State regulatory mechanism provided by the State law) of
7 the State in which such services are performed, as would
8 otherwise be covered if furnished by a physician or as inci-
9 dent to a physician’s professional service, but only if no
10 facility or other provider charges or is paid any amounts
11 with respect to the furnishing of such services.

12 “(4) The term ‘mental health counselor’ means an
13 individual who—

14 “(A) possesses a master’s or doctor’s degree in
15 mental health counseling or a related field;

16 “(B) after obtaining such a degree has per-
17 formed at least 2 years of supervised mental health
18 counselor practice; and

19 “(C) in the case of an individual performing
20 services in a State that provides for licensure or cer-
21 tification of mental health counselors or professional
22 counselors, is licensed or certified as a mental health
23 counselor or professional counselor in such State.”.

24 (3) PROVISION FOR PAYMENT UNDER PART
25 B.—Section 1832(a)(2)(B) of the Social Security

1 Act (42 U.S.C. 1395k(a)(2)(B)) is amended by add-
 2 ing at the end the following new clause:

3 “(v) marriage and family therapist
 4 services (as defined in section 1861(III)(1))
 5 and mental health counselor services (as
 6 defined in section 1861(III)(3));”.

7 (4) AMOUNT OF PAYMENT.—Section 1833(a)(1)
 8 of the Social Security Act (42 U.S.C. 1395l(a)(1))
 9 is amended—

10 (A) by striking “and (CC)” and inserting
 11 “(CC)”; and

12 (B) by inserting before the semicolon at
 13 the end the following: “, and (DD) with respect
 14 to marriage and family therapist services and
 15 mental health counselor services under section
 16 1861(s)(2)(II), the amounts paid shall be 80
 17 percent of the lesser of the actual charge for
 18 the services or 75 percent of the amount deter-
 19 mined for payment of a psychologist under sub-
 20 paragraph (L)”.

21 (5) EXCLUSION OF MARRIAGE AND FAMILY
 22 THERAPIST SERVICES AND MENTAL HEALTH COUN-
 23 SELOR SERVICES FROM SKILLED NURSING FACILITY
 24 PROSPECTIVE PAYMENT SYSTEM.—Section
 25 1888(e)(2)(A)(ii) of the Social Security Act (42

1 U.S.C. 1395yy(e)(2)(A)(ii) is amended by inserting
 2 “marriage and family therapist services (as defined
 3 in section 1861(lll)(1)), mental health counselor
 4 services (as defined in section 1861(lll)(3)),” after
 5 “qualified psychologist services.”

6 (6) INCLUSION OF MARRIAGE AND FAMILY
 7 THERAPISTS AND MENTAL HEALTH COUNSELORS AS
 8 PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Sec-
 9 tion 1842(b)(18)(C) of the Social Security Act (42
 10 U.S.C. 1395u(b)(18)(C)) is amended by adding at
 11 the end the following new clauses:

12 “(vii) A marriage and family therapist (as de-
 13 fined in section 1861(lll)(2)).

14 “(viii) A mental health counselor (as defined in
 15 section 1861(lll)(4)).”

16 (b) COVERAGE OF CERTAIN MENTAL HEALTH SERV-
 17 ICES PROVIDED IN CERTAIN SETTINGS.—

18 (1) RURAL HEALTH CLINICS AND FEDERALLY
 19 QUALIFIED HEALTH CENTERS.—Section
 20 1861(aa)(1)(B) of the Social Security Act (42
 21 U.S.C. 1395x(aa)(1)(B)) is amended by striking “or
 22 by a clinical social worker (as defined in subsection
 23 (hh)(1))” and inserting “, by a clinical social worker
 24 (as defined in subsection (hh)(1)), by a marriage
 25 and family therapist (as defined in subsection

1 (lll)(2)), or by a mental health counselor (as defined
2 in subsection (lll)(4))”.

3 (2) HOSPICE PROGRAMS.—Section
4 1861(dd)(2)(B)(i)(III) of the Social Security Act (42
5 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by in-
6 serting “, marriage and family therapist, or mental
7 health counselor” after “social worker”.

8 (c) AUTHORIZATION OF MARRIAGE AND FAMILY
9 THERAPISTS AND MENTAL HEALTH COUNSELORS TO
10 DEVELOP DISCHARGE PLANS FOR POST-HOSPITAL SERV-
11 ICES.—Section 1861(ee)(2)(G) of the Social Security Act
12 (42 U.S.C. 1395x(ee)(2)(G)) is amended by inserting “,
13 including a marriage and family therapist and a mental
14 health counselor who meets qualification standards estab-
15 lished by the Secretary” before the period at the end.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to services furnished
18 on or after January 1, 2022.

○

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Christine Poleski, Executive Director		2) Date When Request Submitted: 3/30/2021 <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: All Boards, Sections and Councils			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2021-2023 Licensure Fee and Credential Schedule	
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 required: N/A	
10) Describe the issue and action that should be addressed: Please review the attached occupational licensure fee report which outlines new licensure and renewal fees effective as of 7/1/2021.			
11) Authorization			
<i>Kimberly Wood</i>		3/30/2021	
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.			

Board Project Code	Project	Project Name	21-23							Fee Set/Limited by Statute or Rule
			Current Initial_Fee	Current Renewal_Fee	21-23 Initial Fee	21-23 Renewal Fee	Initial Fee_Change	Renewal Fee_Change		
16500P1ACBD000	16500P1ACBD001	Accountant CPA	\$ 43.00	\$ 43.00	\$ 43.00	\$ 43.00	\$ -	\$ -		
16500P1ACBD000	16500P1ACBD003	Accounting Firm	\$ 43.00	\$ 43.00	\$ 43.00	\$ 43.00	\$ -	\$ -		
16500P1ADLD000	16500P1ADLD055	Acupuncturist	\$ 75.00	\$ 75.00	\$ 55.00	\$ 55.00	\$ (20.00)	\$ (20.00)		
16500P1AESD000	16500P1ARCD005	Architect	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)		
16500P1AESD000	16500P1ARCD011	Architectural or Engineer Corp	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)		
16500P1AESD000	16500P1DSND007	Designer Engineering Systems	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)		
16500P1AESD000	16500P1ENGD006	Engineer Professional	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)		
16500P1AESD000	16500P1ENGD500	Engineer Training	\$ 68.00	\$ -	\$ 55.00	\$ -	\$ (13.00)	\$ -		
16500P1AESD000	16500P1LSAD014	Landscape Architect	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)		
16500P1AESD000	16500P1LSRD008	Land Surveyor Professional	\$ 68.00	\$ 68.00	\$ 55.00	\$ 55.00	\$ (13.00)	\$ (13.00)		
16500P1APPD000	16500P1APPD004	Appraiser Licensed	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ -	\$ -		
16500P1APPD000	16500P1APPD009	Appraiser Residential Cert	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ -	\$ -		
16500P1APPD000	16500P1APPD010	Appraiser General Cert	\$ 16.00	\$ 16.00	\$ 16.00	\$ 16.00	\$ -	\$ -		
16500P1APPD000	16500P1APPD900	Appraisal Management Company	\$ 4,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,000.00	\$ -	\$ -	Maximum fee Set by Wis. Stat. 458.33 (2) (b) - currently at the maximum	
16500P1ATHD000	16500P1ATHD097	Athletic Agent	\$ 38.00	\$ 38.00	\$ 38.00	\$ 38.00	\$ -	\$ -		
16500P1AUBD000	16500P1AUBD052	Auctioneer	\$ 47.00	\$ 47.00	\$ 47.00	\$ 47.00	\$ -	\$ -		
16500P1AUBD000	16500P1AUBD053	Auction Company	\$ 47.00	\$ 47.00	\$ 47.00	\$ 47.00	\$ -	\$ -		
16500P1BRBD000	16500P1BRBD180	Barber Establishment	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)		
16500P1BRBD000	16500P1BRBD182	Barber	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)		
16500P1BRBD000	16500P1BRBD183	Barber Instructor	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)		
16500P1BRBD000	16500P1BRBD187	Barber School	\$ 63.00	\$ 63.00	\$ 60.00	\$ 60.00	\$ (3.00)	\$ (3.00)		
16500P1BRBD000	16500P1BRBD601	Barber Apprentice	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -		
16500P1BXMA000	16500P1BXMA263	Boxing Contestant	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA264	Boxing Contest Professional	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA265	Second	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA266	Boxing Promoter Professional	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA267	Mix Martial Arts Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA268	Mix Martial Arts Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA270	Matchmaker	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA271	Physician Ringside	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA272	Timekeeper	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA274	Boxing Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA275	Boxing Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA276	Mix Martial Arts Amateur Conte	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA277	Mix Martial Arts Contestant Pr	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	
16500P1BXMA000	16500P1BXMA278	Mix Martial Arts Prof Club	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444	

Board Project Code	Project	Project Name	21-23						Fee Set/Limited by Statute or Rule
			Current Initial_Fee	Current Renewal_Fee	21-23 Initial Fee	21-23 Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1BXMA000	16500P1BXMA279	Mix Martial Arts Contest Prof	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA280	Mix Martial Arts Promoter Prof	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA281	Unarmed Combat Promoter	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA282	Unarmed Combat Contest	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA283	Kickboxing Contestant Amateur	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA284	Kickboxing Contestant Prof	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA285	Muay Thai Contestant Amateur	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA287	Kickboxing Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA288	Muay Thai Judge	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA289	Kickboxing Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1BXMA000	16500P1BXMA290	Muay Thai Referee	\$ 15.00	\$ 15.00	\$ 15.00	\$ 15.00	\$ -	\$ -	Fee set by Wis. Stat. Ch. 444
16500P1CACD000	16500P1CACD098	Crematory Authority	\$ 75.00	\$ 75.00	\$ 53.00	\$ 53.00	\$ (22.00)	\$ (22.00)	
16500P1CEMD000	16500P1CEMD095	Cemetery Authority Licensed	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CEMD000	16500P1CEMD096	Cemetery Salesperson	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CEMD000	16500P1CEMD101	Cemetery Preneed Seller	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CEMD000	16500P1CEMD102	Cemetery Authority Religious	\$ 75.00	\$ -	\$ 60.00	\$ -	\$ (15.00)	\$ -	
16500P1CEMD000	16500P1CEMD195	Cemetery Authority Registered	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	
16500P1CHID000	16500P1CHID012	Chiropractor	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1CHID000	16500P1CHID113	Chiropractic Radiological Tech	\$ 53.00	\$ 53.00	\$ 53.00	\$ 53.00	\$ -	\$ -	
16500P1CHID000	16500P1CHID114	Chiropractic Tech	\$ 53.00	\$ 53.00	\$ 53.00	\$ 53.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD069	Aesthetics Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD070	Electrology Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD071	Manicuring Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD072	Aesthetics Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD073	Electrology Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD074	Manicuring Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD080	Cosmetology Establishment	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD082	Cosmetologist	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD083	Cosmetology Instructor	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD084	Electrologist	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD085	Manicurist	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD086	Aesthetician	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD087	Cosmetology School	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD088	Electrology School	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD089	Manicuring School	\$ 11.00	\$ 11.00	\$ 11.00	\$ 11.00	\$ -	\$ -	
16500P1COSD000	16500P1COSD600	Cosmetology Apprentice	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -	
16500P1DEND000	16500P1DEND015	Dentist	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	

Board Project Code	Project	Project Name	Current		21-23		21-23		Fee Set/Limited by Statute or Rule
			Initial_Fee	Renewal_Fee	Initial Fee	Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1DEND000	16500P1DEND016	Dental Hygienist	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1DEND000	16500P1DEND115	Dentistry Mobile Progr Registr	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1DSPS000	16500P1DSPS049	DSPS Licensed Midwife	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS064	DSPS Firearms Certifier	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS109	DSPS WI Regis Interior Design	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS118	Juvenile Martial Arts Instruct	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS140	DSPS Behavior Analyst	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS184	DSPS Transportation Network Co	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	Maximum fee Set by Wis. Stat. 440.415 - currently at the maximum
16500P1DSPS000	16500P1DSPS850	DSPS Temp Educ Training Permit	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -	
16500P1DSPS000	16500P1DSPS876	DSPS Special License	\$ 59.00	\$ -	\$ 59.00	\$ -	\$ -	\$ -	
16500P1FDRD000	16500P1FDRD075	Funeral Dir Excl Embalm	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD076	Funeral Dir Good Standing	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD077	Funeral Director	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD078	Funeral Establishment	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1FDRD000	16500P1FDRD107	Agent Burial Agreements	\$ 75.00	\$ -	\$ 60.00	\$ -	\$ (15.00)	\$ -	
16500P1FDRD000	16500P1FDRD700	Funeral Dir Apprentice	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	
16500P1GHSD000	16500P1GEOD013	Geologist Professional	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1GEOD201	Geology Firm	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1HYDD111	Hydrologist Professional	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1HYDD202	Hydrology Firm	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1SSCD112	Soil Scientist Professional	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1GHSD000	16500P1SSCD203	Soil Scientist Firm	\$ 56.00	\$ 56.00	\$ 56.00	\$ 56.00	\$ -	\$ -	
16500P1HADD000	16500P1HADD060	Hearing Instrument Spec	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1HADD000	16500P1HADD154	Speech Language Pathologist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1HADD000	16500P1HADD156	Audiologist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MADD000	16500P1MADD036	Art Therapist	\$ 68.00	\$ 68.00	\$ 51.00	\$ 51.00	\$ (17.00)	\$ (17.00)	
16500P1MADD000	16500P1MADD037	Dance Therapist	\$ 68.00	\$ 68.00	\$ 51.00	\$ 51.00	\$ (17.00)	\$ (17.00)	
16500P1MADD000	16500P1MADD038	Music Therapist	\$ 68.00	\$ 68.00	\$ 51.00	\$ 51.00	\$ (17.00)	\$ (17.00)	
16500P1MEDD000	16500P1ANS017	Anesthesiology Assist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1ATBD039	Athletic Trainer	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1DABD029	Dietician Certified	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1DSPS851	DSPS Resident Educ License	\$ 10.00	\$ -	\$ 10.00	\$ -	\$ -	\$ -	
16500P1MEDD000	16500P1DSPS875	DSPS Special Permit	\$ 75.00	\$ -	\$ 60.00	\$ -	\$ (15.00)	\$ -	
16500P1MEDD000	16500P1HMOP048	Home Med Oxygen Provider	\$ 59.00	\$ 59.00	\$ 59.00	\$ 59.00	\$ -	\$ -	
16500P1MEDD000	16500P1MEDD020	Medicine Surgery MD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD021	Medicine Surgery OD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	

Board Project Code	Project	Project Name	21-23						Fee Set/Limited by Statute or Rule
			Current Initial_Fee	Current Renewal_Fee	21-23 Initial Fee	21-23 Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1MEDD000	16500P1MEDD220	Administrative Physician MD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD221	Administrative Physician OD	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD320	Medicine Surgery MD Compact	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MEDD321	Medicine Surgery OD Compact	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1MTBD146	Massage Therapy Bodyworker	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1OTBD026	Occupational Therapist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1OTBD027	Occupational Therapist Assist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1PHAD023	Physician Assistant	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1PODD025	Podiatrist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1PRFD018	Perfusionist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MEDD000	16500P1RSPD028	Respiratory Care Practitioner	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1MFTD000	16500P1CPCD125	Counselor Professional Licen	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1CPCD226	Counselor Professional Trn	\$ 62.00	\$ -	\$ 60.00	\$ -	\$ (2.00)	\$ -	
16500P1MFTD000	16500P1MFTD124	Marriage Family Therapist	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1MFTD228	Marriage Family Therapist Trn	\$ 62.00	\$ -	\$ 60.00	\$ -	\$ (2.00)	\$ -	
16500P1MFTD000	16500P1SOCD120	Social Worker	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD121	Social Worker Adv Practice	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD122	Social Worker Independent	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD123	Social Worker Lic Clinical	\$ 62.00	\$ 62.00	\$ 60.00	\$ 60.00	\$ (2.00)	\$ (2.00)	
16500P1MFTD000	16500P1SOCD127	Social Worker Training	\$ 62.00	\$ -	\$ 60.00	\$ -	\$ (2.00)	\$ -	
16500P1NHAD000	16500P1NHAD065	Nursing Home Administrator	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1NURD000	16500P1NURD030	Nurse Registered	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1NURD000	16500P1NURD031	Nurse Licensed Practical	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1NURD000	16500P1NURD032	Nurse Midwife	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1NURD000	16500P1NURD033	Nurse Adv Practice Prescriber	\$ 73.00	\$ 73.00	\$ 57.00	\$ 57.00	\$ (16.00)	\$ (16.00)	
16500P1OPTD000	16500P1OPTD035	Optometrist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1PDET000	16500P1PDET062	Private Detective Agency	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00	\$ -	\$ -	
16500P1PDET000	16500P1PDET063	Private Detective	\$ 8.00	\$ 8.00	\$ 8.00	\$ 8.00	\$ -	\$ -	
16500P1PHMD000	16500P1PHMD040	Pharmacist	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD042	Pharmacy In State	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD043	Pharmacy Out of State	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD044	Drug Device Manufacturer	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHMD000	16500P1PHMD045	Wholesale Distrib Presc Drugs	\$ 74.00	\$ 74.00	\$ 60.00	\$ 60.00	\$ (14.00)	\$ (14.00)	
16500P1PHTD000	16500P1PHTD019	Physical Therapist Assistant	\$ 68.00	\$ 68.00	\$ 56.00	\$ 56.00	\$ (12.00)	\$ (12.00)	
16500P1PHTD000	16500P1PHTD024	Physical Therapist	\$ 68.00	\$ 68.00	\$ 56.00	\$ 56.00	\$ (12.00)	\$ (12.00)	
16500P1PSEC000	16500P1PSEC108	Private Security Person	\$ 27.00	\$ 27.00	\$ 27.00	\$ 27.00	\$ -	\$ -	
16500P1PSYD000	16500P1PSYD057	Psychologist	\$ 66.00	\$ 66.00	\$ 60.00	\$ 60.00	\$ (6.00)	\$ (6.00)	

Board Project Code	Project	Project Name	21-23						Fee Set/Limited by Statute or Rule
			Current Initial_Fee	Current Renewal_Fee	21-23 Initial Fee	21-23 Renewal Fee	Initial Fee_Change	Renewal Fee_Change	
16500P1PSYD000	16500P1PSYD058	School Psychologist Priv Prac	\$ 66.00	\$ 66.00	\$ 60.00	\$ 60.00	\$ (6.00)	\$ (6.00)	
16500P1RADD000	16500P1RADD142	Radiographer Licensed	\$ 65.00	\$ 65.00	\$ 54.00	\$ 54.00	\$ (11.00)	\$ (11.00)	
16500P1RADD000	16500P1RADD144	Ltd Xray Machine Oper Permit	\$ 65.00	\$ 65.00	\$ 54.00	\$ 54.00	\$ (11.00)	\$ (11.00)	
16500P1REBD000	16500P1REBD090	Real Estate Broker	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1REBD000	16500P1REBD091	Real Estate Business Entity	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1REBD000	16500P1REBD093	Timeshare Salesperson	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1REBD000	16500P1REBD094	Real Estate Salesperson	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1RHID000	16500P1RHID106	Home Inspector	\$ 51.00	\$ 51.00	\$ 51.00	\$ 51.00	\$ -	\$ -	
16500P1SAAC000	16500P1SAAC130	Subst Abuse Counselor Training	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC131	Subst Abuse Counselor	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC132	Subst Abuse Counselor Clinical	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC133	Subst Abuse Clin Sup Training	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC134	Subst Abuse Intermed Clin Sup	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC135	Subst Abuse Indep Clin Sup	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC136	Subst Abuse Prev Specialist Tr	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAAC000	16500P1SAAC137	Subst Abuse Prevent Specialist	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SAND000	16500P1SAND197	Sanitarians Registered	\$ 75.00	\$ 75.00	\$ 51.00	\$ 51.00	\$ (24.00)	\$ (24.00)	
16500P1SLID000	16500P1SLID150	Sign Language Interp	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1SLID000	16500P1SLID151	Sign Lanugage Interpr Restrict	\$ 75.00	\$ 75.00	\$ 60.00	\$ 60.00	\$ (15.00)	\$ (15.00)	
16500P1TANE000	16500P1TANE401	Tanning Establishments	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ -	\$ -	
16500P1TBAP000	16500P1TBAP402	Tattoo Body Art Piercing Estab	\$ 135.00	\$ 220.00	\$ 135.00	\$ 220.00	\$ -	\$ -	Set by Wis. Admin. Code SPS 221.05 - \$135 for tattoo OR body art establishment; \$220 for tattoo AND body art establishment
16500P1TBAP000	16500P1TBAP403	Tattoo Body Art Piercing Pract	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ -	\$ -	
16500P1TBAP000	16500P1TBAP404	Body Piercing	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ -	\$ -	

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Christine Poleski, Executive Director		2) Date when request submitted: 4/15/21 <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: MPSW Examining Board			
4) Meeting Date: 4/20/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Guidance Document Regarding Conversion Therapy	
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 required:	
10) Describe the issue and action that should be addressed: Review the final guidance document and discuss as needed.			
11) Authorization			
Christine Poleski		4/15/2021	
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.			

Lindsey Marsh
Chairperson

Candace Coates
Vice Chairperson

Andrea Simon
Secretary

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



4822 Madison Yards Way
PO Box 8366
Madison WI 53708

Email: dsps@wisconsin.gov
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FAX: 608-251-3032

**GUIDANCE DOCUMENT REGARDING THERAPY AIMED AT CHANGING A
PERSON'S SEXUAL ORIENTATION OR GENDER IDENTITY**

SOCE and Conversion Therapy

Statements and guidance from several behavioral and medical healthcare associations, including the American Association of Marriage and Family Therapy, the National Association of Social Workers, the American Counseling Association, the American Psychological Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, and the American Medical Association, provide that sexual orientation change efforts (SOCE), or efforts to change gender identity, are harmful, ineffective, non-evidence based, and not in line with current standards of professional practice.

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board shares this viewpoint. The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board does not condone credential holders employing sexual orientation change efforts (SOCE) or efforts to change gender identity as part of the practice of marriage and family therapy, professional counseling, or social work.

Other Therapy Relating to Sexual Orientation or Gender Identity

Counseling that supports clients in exploring their questions and concerns about their sexual orientation or gender identity is appropriate assistance for a professional counselor, social worker, or marriage and family therapist to provide to a client. This would include, for example, counseling a client who is about to undergo a gender transition or who is in the process of undergoing a gender transition, or counseling that provides a client with acceptance, support, understanding, or that facilitates a client's coping, social support, and identity exploration or development.

Further, counseling in the form of sexual orientation-neutral or gender identity-neutral interventions provided for the purpose of preventing or addressing unlawful conduct or unsafe sexual practices, so long as the counseling is not provided for the purpose of attempting to change the client's sexual orientation or gender identity, is also appropriate assistance for a professional counselor, social worker, or marriage and family therapist to provide to a client.

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 proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

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:

Kevyn Radcliffe, 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 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Kevyn Radcliffe, 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 *** 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)

Chapter MPSW 3

APPLICATION FOR SOCIAL WORKER CERTIFICATION OR LICENSURE

- PSW 3.01 Application for certification as a social worker.
- PSW 3.05 Application for certification as an advanced practice social worker.
- PSW 3.07 Application for certification as an independent social worker.
- PSW 3.09 Application for licensure as a clinical social worker.
- PSW 3.11 Temporary certificate or license.
- PSW 3.12 Reciprocal certificate or license.
- PSW 3.13 Social worker training certificate.

Note: Chapter SFC 3 was created as an emergency rule effective April 26, 1993.

Note: Chapter SFC 3 was renumbered ch. MPSW 3 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

MPSW 3.01 Application for certification as a social worker. In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification as a social worker shall submit a completed, signed application form together with:

- (1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a bachelor's, master's or doctoral degree in social work.
- (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.
- (3) Verification of successful completion of the required examinations.
- (4) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.
- (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 social worker.
 - (b) The applicant has been convicted of a crime substantially related to the practice of a social worker.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (4), Register October 2002 No. 562, eff. 11-1-02; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04; 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; CR 19-137: am. (3) Register August 2020 No. 776, eff. 9-1-20.

MPSW 3.05 Application for certification as an advanced practice social worker. In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification as an advanced practice social worker shall submit the completed, signed application form and:

- (1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work.
- (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English

by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

- (3) Verification of successful completion of the required examinations.
- (4) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.
- (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 an advanced practice social worker.
 - (b) The applicant has been convicted of a crime substantially related to the practice of an advanced practice social worker.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (4), Register October 2002 No. 562, eff. 11-1-02; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04; 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; **CR 19-137: am. (3) Register August 2020 No. 776, eff. 9-1-20.**

MPSW 3.07 Application for certification as an independent social worker. In addition to paying the fee under s. 440.05 (1), Stats., an applicant for certification as an independent social worker shall submit the completed, signed application form and:

- (1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work.
- (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.
- (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has obtained at least 3,000 hours of social work practice in no less than 2 years under the supervision of a supervisor approved by the social worker section. Pre-certification supervised practice shall meet the criteria under s. MPSW 4.01.
- (4) Verification of successful completion of the required examinations, or verification that the applicant has obtained certification of the Academy of Certified Social Workers (ACSW) of the National Association of Social Workers.
- (5) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.
- (6) 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 an independent social worker.
 - (b) The applicant has been convicted of a crime substantially related to the practice of an independent social worker.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-153: am. (3), Register July 2002 No. 559, eff. 1-1-03; CR 02-105: am. (3) and (5), Register October 2002 No. 562, eff. 11-1-02; reprinted to restore dropped copy in (3), Register January 2003 No. 565; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04; CR 19-116: r. and recr. (6) Register May 2020 No. 773, eff. 6-1-20; correction in (6) (a) made under s. 35.17, Stats., Register May 2020 No. 773; **CR 19-137: am. (4) Register August 2020 No. 776, eff. 9-1-20.**

MPSW 3.09 Application for licensure as a clinical social worker. In addition to paying the fee under s. 440.05 (1), Stats., an applicant for licensure as a clinical social worker shall submit the completed, signed application form and:

- (1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work with a concentration in clinical social work, including completion of supervised clinical field training. In lieu of supervised clinical field training, applicants may submit an affidavit indicating that they have completed 1,500 hours of supervised clinical social work experience in not less than one year within a primary clinical setting, which includes at least 500 hours of face-to-face client contact and is supervised as provided in s. MPSW 4.01.
- (2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.
- (3) Except as provided in sub. (3m), an affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker or an independent social worker, has completed at least 3,000 hours of clinical social work practice, including at least 1,000 hours of face-to-face client contact. At least 600 hours of the required 1,000 hours of face-to-face client contact must involve DSM diagnosis and treatment of individuals. All hours must be accumulated under the supervision of a supervisor approved by the social worker section. Pre-licensed supervised practice shall meet the criteria under s. MPSW 4.01.
- (3m) An applicant who after receiving a master's or doctoral degree in social work and completing any portion of the applicant's 3,000 hours of supervised clinical social work practice outside of Wisconsin in no less than 2 years may be given credit for those hours provided they included at least 1,000 hours of face-to-face client contact, or a proportionate number thereof, and also included DSM diagnosis and treatment of individuals, completed under the supervision of a supervisor acceptable to the social worker section.
- (4) Verification of successful completion of the required examinations, or verification that the applicant is a board certified diplomat (BCD) of the American Board of Examiners in clinical social work.
- (5) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.
- (6) 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 licensed clinical social worker.
 - (b) The applicant has been convicted of a crime substantially related to the practice of a licensed clinical social worker.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-153: am. (3), Register July 2002 No. 559, eff. 1-1-03; CR 02-105: am. (intro.), (3) and (5), Register October 2002 No. 562, eff. 11-1-02; reprinted to restore dropped copy in (3), Register January 2003 No. 565; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04; CR 05-042: am. (1) Register December 2005 No. 600, eff. 1-1-06; CR 08-089: am. (3), cr. (3m) Register June 2009 No. 642, eff. 7-1-09; CR 19-116: r. and recr. (6) Register May 2020 No. 773, eff. 6-1-20; correction in (6) (a) made under s. 35.17, Stats., Register May 2020 No. 773; **CR 19-137: am. (4) Register August 2020 No. 776, eff. 9-1-20; CR 19-138: am. (3) Register August 2020 No. 776, eff. 9-1-20.**

MPSW 3.11 Temporary certificate or license.

- (1) The social worker section may issue a temporary certificate permitting the use of the title "social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the social worker certificate except for passing the required examinations.

- (2) The social worker section may issue a temporary certificate permitting the use of the title “advanced practice social worker” to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the advanced practice social worker certificate except for passing the required examinations.
- (3) The social worker section may issue a temporary certificate permitting the use of the title “independent social worker” to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the independent social worker certificate except for passing the required examinations.
- (4) The social worker section may issue a temporary license permitting the practice of clinical social work and the use of the title “clinical social worker” to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the clinical social worker license except for passing the required examinations.
- (5) The temporary credential expires upon notification of successful completion of the required examinations or expiration of the 9 month period, whichever is earlier. The temporary credential may be renewed once.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. Register, December, 1995, No. 480, eff. 1-1-96; CR 01-095: am. Register March 2002 No. 555, eff. 4-1-02; CR 02-105: r. and recr., Register October 2002 No. 562, eff. 11-1-02; CR 05-041: am. (5) Register December 2005 No. 600, eff. 1-1-06; CR 13-094: am. (5) Register September 2014 No. 705, eff. 10-14; **CR 19-137: am. Register August 2020 No. 776, eff. 9-1-20.**

MPSW 3.12 Reciprocal certificate or license.

- (1) Except as provided in s. 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:
 - (a) The applicant has a current credential as a social worker or the substantial equivalent in good standing in another state or territory of the United States.
 - (b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of the certificate under s. 457.08 (1), Stats.
 - (c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.
 - (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:
 - 1. 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 social worker.
 - 2. The applicant has been convicted of a crime substantially related to the practice of a social worker.
 - (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.
- (2) The social worker section shall grant a certificate as an advanced practice social worker under s. 457.08 (1) and (2), Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:
 - (a) The applicant has a current credential as an advanced practice social worker or the substantial equivalent in good standing in another state or territory of the United States.
 - (b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate under s. 457.08 (2), Stats.
 - (c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant or by any credentialing authority of any state or territory of the United States.
 - (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:

1. 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 an advanced practice social worker.
 2. The applicant has been convicted of a crime substantially related to the practice of an advanced practice social worker.
- (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.
- (3)** The social worker section shall grant a certificate as an independent social worker under s. 457.08 (1) and (3), Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:
- (a) The applicant has a current credential as an independent social worker or the substantial equivalent in good standing in another state or territory of the United States.
 - (b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate under s. 457.08 (3), Stats.
 - (c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.
- (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:
1. 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 an independent social worker.
 2. The applicant has been convicted of a crime substantially related to the practice of an independent social worker.
- (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.
- (4)** The social worker section shall grant a license as a clinical social worker under s. 457.08 (1) and (4), Stats., to an applicant who pays the fee required under s. 440.05 (2), Stats., and provides evidence of all of the following to the section:
- (a) The applicant has a current credential as a clinical social worker or the substantial equivalent in good standing in another state or territory of the United States.
 - (b) The requirements for granting the credential in the other state or territory of the United States are substantially equivalent to the requirements for granting a license under s. 457.08 (4), Stats.
 - (c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.
- (d) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:
1. 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 clinical social worker.
 2. The applicant has been convicted of a crime substantially related to the practice of a clinical social worker.
- (e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

History: Cr. Register November, 1994, No. 467, eff. 12-1-94; CR 02-105: cr. (1) (e), (2) (e), (3) (e) and (4) (e), am. (intro.), (a) and (b), Register October 2002 No. 562, eff. 11-1-02.; CR 19-116: r. and recr. (1) (d), (2) (d), (3) (d), (4) (d) Register May 2020 No. 773, eff. 6-1-20; correction in (1) (d) 1., 2., (2) (d) 1., 2., (3) (d) 1., 2., (4) (d) 1., 2. made under s. 35.17, Stats., Register May 2020 No. 773.

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

MPSW 3.13 Social worker training certificate.

- (1) APPLICATION REQUIREMENTS. The social worker section shall grant a training certificate to an applicant who submits the fee under s. 440.05 (6), Stats., together with the completed, signed application form and all of the following:
- (a) A certified transcript of professional education verifying that the applicant has a bachelor's degree in psychology, sociology, criminal justice or another human service program approved by the section from a college or university accredited by an accrediting body nationally recognized by the secretary of the United States department of education. The certified transcript shall be sent directly to the section by the college or university.
 - 1. To qualify as "another human service program approved by the section" under s. 457.09 (1) (c), Stats., the program shall award a bachelor's degree and be one of the following:
 - a. An organized course of study recognized by the section to contain all five social worker equivalency courses in s. MPSW 3.13 (2) and a course designated as a senior seminar or capstone course.
 - b. An organized course of study entitled on the transcript as a human services major.
 - c. Accredited by any accrediting organization recognized by the Council for Higher Education Accreditation (CHEA) for programs awarding bachelor's degrees with a major in "human services".
 - 2. In subd. 1. b., "human services major" means a major which includes all the following courses:
 - a. An introductory course which contains a general overview of the field of human services, including origins, career opportunities and techniques and methods of helping individuals and groups in need.
 - b. A course with significant content in professional ethics and values, including confidentiality, boundaries and values in human services occupations.
 - c. A course with content in qualitative and quantitative social research methods and statistics.
 - d. A course designated as a senior seminar or capstone course. The capstone course may be an internship with the seminar in which the training certificate applicant is evaluated to have attained the competencies specified in sub. (3m).
 - 3. The applicant shall have obtained a grade point average of 2.5 or greater in the major completed in the program under subd. 1. a., 1. b. or 1. c.
 - (b) Verification that the applicant is seeking to attain social worker degree equivalency under s. 457.09 (4), Stats., during the period in which the certificate is valid.
 - (c) Documentation necessary for the section to determine, subject to ss. 111.321, 111.322, and 111.335, Stats., whether any of the following apply:
 - 1. 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.
 - 2. The applicant has been convicted of a crime substantially related to the practice of a social worker.
 - Note:** Application forms are available upon request to the Social Worker Section at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.
- (2) SOCIAL WORKER DEGREE EQUIVALENCY. To attain social worker degree equivalency to a bachelor's degree in social work under the terms of s. 457.09 (4) and (4m) (b), Stats., and to qualify to take the national

social work examination, a social worker training certificate holder shall demonstrate by certified transcript from an accredited college or university, sent directly to the section, that the applicant has successfully completed with a minimum of a C grade at least a total of 5 courses, each consisting of a minimum of either 3 semester hours or 4 quarter hours of academic credit. Courses shall be taught by an instructor who holds a master's degree or a PhD in social work from an institution accredited by the Council on Social Work Education unless otherwise approved by the section. The courses shall use a textbook written by a social work educator for social work courses as a primary text, unless otherwise approved by the section. At least three of these courses shall be taken at the same institution, and shall be distributed among the following subject areas:

- (a) *Social welfare policy and services.*** At least one course of at least 3 semester hours or 4 quarter hours academic credit. Qualifying course work in this area shall include the history, mission and philosophy of the social work profession, the impact of social policy on health and well-being, the effect of social policy on social work practice, current social policy analysis, political and organizational processes used to influence policy, the process of policy formulation, and the framework for current social policy analysis in light of the principles of social and economic justice.
- (b) *Social work practice methods with individuals, families, small groups, communities, organizations and social institutions - generalist practice methods.*** At least 3 courses each consisting of at least 3 semester hours or 4 quarter hours academic credit. Qualifying coursework in these areas shall substantively and effectively prepare the student for action to engage with, assess, intervene with, and evaluate individuals, families, groups, organizations, and communities. The social work practice methods taught shall be evidence-based, and shall emphasize client strengths. Each course shall have infused throughout the curriculum significant course content on social work values, ethics, approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds; and systems of all sizes. The content of the three courses shall be coordinated by the college or university to cover the material described below and demonstrate that within the curriculum of the three courses, students shall learn:
 - 1. Of the three required social work methods courses, a course in each of the following: social work practice with individuals, social work practice with groups and families, and social work practice with communities, organizations, and social institutions.
 - 2. Practice content which emphasizes professional relationships that are characterized by mutuality, collaboration, respect for the client system and incorporates use of professional social work supervision. Coursework shall prepare a student to do all of the following:
 - a. Use empathy and other interpersonal skills with clients.
 - b. Develop with the client a mutually agreed upon focus of work and desired outcomes.
 - c. Collect, organize, and interpret client data.
 - d. Develop mutually agreed upon intervention goals and objectives.
 - e. Select appropriate intervention strategies.
 - f. Initiate actions to achieve organizational goals.
 - g. Implement prevention interventions that enhance client capacities.
 - h. Help clients resolve problems.
 - i. Negotiate, mediate, and advocate for clients.
 - j. Facilitate transitions and endings.
 - k. Critically analyze, monitor, and evaluate interventions.
 - 3. Practice assessment which focuses on the examination of client strengths and problems in the interaction among individuals and between people and their environments.
 - 4. Knowledge, values and skills to enhance human well-being and amelioration of the environmental conditions that affect people adversely.

5. Approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds and with systems of all sizes.
 6. Differential assessments and intervention skills to serve diverse at-risk populations.
 7. An evaluation of the student's ability to demonstrate competence in interviewing, using empathy and interpersonal skills. The student shall be able to demonstrate skill in collecting, organizing, and interpreting client data; assessing client strengths and limitations; developing mutually agreed upon intervention goals and objectives; and selecting appropriate intervention strategies.
 8. Each social work methods course shall include content on social work values and ethics including the application of the standards of the National Association of Social Workers Code of Ethics to Social Work practice.
 9. Each social work methods course shall include content on cultural competence in social work practice, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice.
- (c) *Human behavior in the social environment, including human growth and development, and social systems theory.* At least one course of at least 3 semester hours or 4 quarter hours academic credit. Qualifying course work in this area shall include theories and knowledge of human biological, sociological, cultural, psychological, and spiritual development across the life span; the range of social systems, including individual, family, group, organizational, and community, in which people live, and the ways social systems promote or deter people in maintaining or achieving health and well-being.
- (3) **INTERNSHIP AND EMPLOYMENT.** To qualify to take the national social work examination, a training certificate holder shall demonstrate to the section, by written certification from his or her supervisor sent directly to the section, that he or she engaged in and successfully completed one of the following:
- (a)
1. A human services internship of at least 400 hours that was part of the program leading to the degree the certificate holder specified to satisfy the requirement in s. 457.09 (1) (c) and (4m) (b), Stats., or completed while holding the training certificate, and involved direct practice with clients and that was supervised by a social worker certified under s. 457.08, Stats., and who has a bachelor's or master's degree in social work and provides direct, on-site supervision of the intern. A human services internship shall be under the auspices of an accredited college or university.
 2. A human services internship completed prior to August 1, 1995, that otherwise qualifies under par. (a), may be approved by the section if it was supervised by a person holding a bachelor's or master's degree in social work and in good professional standing, but who was not certified under s. 457.08, Stats.
- (b) One year of social work employment completed while holding the training certificate, which involved at least 400 hours of face-to-face client contact in not less than 12 months, and that was supervised by a social worker certified under s. 457.08, Stats., who has a bachelor's or master's degree in social work and who provides direct, on-site supervision of the certificate holder during the time the certificate holder is at work.
- (3m) **DEMONSTRATED COMPETENCY.** A human services internship or one year of social work employment shall be approved by the section provided that the supervising social worker certifies on forms provided by the department that the internship or employment provided training and experience, and the applicant demonstrated competency, in each of the following areas:
- (a) Demonstrate the ability to: engage, assess, intervene, and evaluate individuals, families, groups, organizations, and communities in regard to strengths and difficulties in biological, psychological, sociological, cultural, and spiritual functioning.
 - (b) Demonstrate intervention skills, including: collecting, organizing, and interpreting client data; assessing client strengths and limitations; using empathy and other interpersonal skills; developing mutually agreed upon intervention goals and objectives; determining and implementing appropriate intervention strategies; and referring clients to other qualified resources when appropriate.

- (c) Develop a mutually agreed upon focus of work and desired outcomes, which may include: implementing prevention interventions that enhance client outcomes; helping clients resolve problems; negotiating, mediating, and advocating for clients; and facilitating transitions and endings; referring to community resources; facilitating organizational change to meet social needs based on evaluation and assessment as described in par. (a); and critically analyze, monitor, and evaluate interventions.
 - (d) Knowledge of other disciplines and resources relevant to the evaluation of clients, plans and policies to alleviate client difficulties, and intervention planning.
 - (e) Demonstrate cultural competence, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice, by intervening effectively on behalf of diverse populations and populations most vulnerable and discriminated against; providing culturally competent services, and collaborating with others to develop services.
 - (f) Make ethical decisions by applying standards of the National Association of Social Workers Code of Ethics in the delivery of social work services to clients, and applying relevant Wisconsin laws and administrative rules, as applicable.
- (4) SUPERVISION REQUIREMENTS.** In addition to the minimum qualifications for supervisors specified in sub. (3), supervision of qualifying human services internship or employment shall include the direction of social work practice in a face-to-face individual session of at least one hour duration during each week of supervised practice of social work, and shall further comply with s. MPSW 4.01 (1) and (3). Supervision may be exercised by a person other than an employment supervisor. For supervised educational internships or employment experiences that begin 6 months after the effective date of this rule change, the supervisor and student or employee shall complete and sign a learning contract within the first 40 hours of the internship or employment that shall describe the goals of the student or employee's supervised experience and list basic expectations for both the applicant and the supervisor.
- (5) GRANTING SOCIAL WORKER CERTIFICATION.** Subject to s. 457.26 (2), Stats., the section shall grant a social worker certificate to a training certificate holder who has demonstrated social worker degree equivalency, completed a supervised human services internship or social work employment, and passed the national social worker examination and state law examination, all as required under this section and s. 457.09, Stats.
- (6) APPROVAL OF COURSES FOR SOCIAL WORKER DEGREE EQUIVALENCY.**
- (a) The section may approve in advance courses offered by an accredited college or university which may be taken by a social worker training certificate holder to satisfy the requirements of sub. (2) (a) to (c).
 - (b) To obtain advance section approval under par. (a), an accredited college or university shall submit course syllabi at least 6 months prior to the commencement of the class. Section approval shall continue for 2 years unless the course content, format, delivery method, or instructor changes. After 2 years, course syllabi shall be resubmitted for approval.

History: Cr. Register, November, 1996, No. 491, eff. 12-1-96; cr. (1) (a) 1. to 3., am. (3) (a) (intro.) and (b) (intro.), Register, February, 2000, No. 530, eff. 3-1-00; CR 01-059: cr. (6), Register March 2002 No. 555, eff. 4-1-02; CR 05-098: am. (3) (a) Register September 2006 No. 609, eff. 10-1-06; CR 08-089: am. (3) (a) (intro.) Register June 2009 No. 642, eff. 7-1-09; CR 11-028: r. and recr. (1) (a) 1., am. (2) (intro.), (b) (intro.), (c), (4), (6) (b), renum. (2) (b) 1., (3) (b) (intro.) to be (2) (b) 2., (3) (b) and am., renum. (2) (b) 2., 3., 4., (3) (a) (intro.) to be (2) (b) 3., 4., 5., (3) (a) 1., r. (2) (b) 5., (3) (a) 1., (b) 1., 2., cr. (2) (b) 1., 7., 8., 9., (3m) Register September 2011 No. 669, eff. 10-1-11; corrections in (3) (a) 1. and (3m) (c) made under s. 13.92 (4) (b) 7., Stats., Register September 2011 No. 669.; CR 19-116: r. and recr. (1) (c) Register May 2020 No. 773, eff. 6-1-20; correction in (1) (c) 1., 2. made under s. 35.17, Stats., Register ay 2020 No. 773.

Chapter MPSW 11

APPLICATION FOR PROFESSIONAL COUNSELOR LICENSURE

[MPSW 11.01](#) Application for licensure as a professional counselor.

[MPSW 11.015](#) Application for a professional counselor training license.

[MPSW 11.035](#) Temporary license.

[MPSW 11.04](#) Reciprocal license.

Note: Chapter SFC 11 was created as an emergency rule effective April 26, 1993.

Note: Chapter SFC 11 was renumbered ch. MPSW 11 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

MPSW 11.01 Application for licensure as a professional counselor. An applicant for a professional counselor license shall submit all of the following:

- (1) An application with the required fee under s. [440.05 \(1\)](#), Stats.
- (2) A certificate of professional education, signed and sealed by the chancellor, dean, or registrar of the school from which the applicant has graduated with one of the following approved degrees:
 - (a) A master's or doctoral degree in professional counseling.
 - (b) A degree from a program which is accredited by the Commission for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE) at the time the applicant graduated.
 - (c) A program which is equivalent to a master's or doctoral degree in professional counseling by meeting the requirements in s. [MPSW 14.01](#) or [14.02](#).
 - (d) A degree awarded by a foreign institution of higher learning which has been evaluated by an organization approved by the professional counselor section and is equivalent to a degree from a program approved under pars. (a) to (c). If the applicant's education was not received in English, the applicant must demonstrate proficiency in English on an approved test of English as a foreign language.
- (3) Verification the applicant has completed one of the following:
 - (a) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least 3,000 hours of professional counseling practice, including at least 1,000 hours of face-to-face client contact, while holding a valid professional counselor training license and supervised by a person qualified to supervise under s. [MPSW 12.02](#).
 - (b) Either during or after the doctorate degree program in professional counseling or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice supervised by a person qualified to supervise under s. [MPSW 12.02](#). Any supervised practice outside of the doctorate degree program shall be done while holding a valid professional counselor training license.
- (4) Verification of a passing score on one of the following:
 - (a) National Counselor Examination (NCE).
 - (b) National Clinical Mental Health Counseling Examination (NCMHCE).
 - (c) Certified Rehabilitation Counselor (CRC) examination.
 - (d) Another examination approved by the professional counselor section.
- (5) Documentation necessary for the section to determine, subject to ss. [111.321](#), [111.322](#), and [111.335](#), Stats., whether any of the following apply:
 - (a) The applicant has a pending charge for an exempt offense, as defined in s. [111.335 \(1m\) \(b\)](#), Stats., or a violent crime against a child, as defined in s. [111.335 \(1m\) \(d\)](#), Stats., that is substantially related to the practice of a professional counselor.
 - (b) The applicant has been convicted of a crime substantially related to the practice of a professional counselor.

History: Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. (1) (intro.), (a), (e) and (f) [Register October 2002 No. 562](#), eff. 11-1-02; [CR 03-090](#): am. (1) (b) [Register June 2004 No. 582](#), eff. 7-1-04; [CR 08-088](#): am. (1) (b) [Register June 2009 No. 642](#), eff. 7-1-09; [CR 16-009](#): r. and recr. [Register January 2018 No. 745](#), eff. 2-1-18; correction in (3) (b) made under

s. [35.17](#), Stats., [Register January 2018 No. 745](#); [CR 19-116](#); r. and recr. (5) [Register May 2020 No. 773](#), eff. 6-1-20; correction in (5) (a) made under s. [35.17](#), Stats., [Register May 2020 No. 773](#).

MPSW 11.015 Application for a professional counselor training license.

- (1) The professional counselor section shall grant a professional counselor training license to any individual who does all of the following:
- (a) Submits a completed, signed application form.
 - (b) Pays the fee specified in s. [440.05 \(6\)](#), Stats.
 - (c) Satisfies the requirements in s. [457.12 \(2\)](#), Stats.
 - (d) Submits evidence satisfactory to the professional counselor section of one of the following:
 1. The applicant is in a position or has an offer for a position as a professional counselor in a supervised clinical professional counseling practice.
 2. The applicant is in a position or has an offer for a position in which the applicant will, in the opinion of the professional counselor section, receive training and supervision equivalent to the training and supervision received in a supervised clinical professional counseling practice.
- (2) A professional counselor training license is valid for 48 months and may be renewed at the discretion of the professional counselor section.

History: Cr. [Register, January, 1995, No. 469](#), eff. 2-1-95; [CR 01-027](#): m. to be (1), cr. (2), [Register December 2001 No. 552](#), eff. 1-1-02; [CR 07-048](#): r. and recr. [Register March 2008 No. 627](#), eff. 4-1-08.

MPSW 11.035 Temporary license.

- (1) The professional counselor section may issue a temporary license to practice professional counseling to an individual who does all of the following:
- (a) Submits application and pays the fee specified in s. [440.05 \(6\)](#), Stats.
 - (b) Satisfies the requirements under s. [MPSW 11.01 \(2\)](#) and [\(3\)](#).
 - (c) Submitted an application to take the next available examination under s. [MPSW 11.01 \(4\)](#).
- (2) A temporary license is valid for a period not to exceed 9 months and may be renewed once.

History: Cr. [Register, October, 1998, No. 514](#), eff. 11-1-98; [CR 02-105](#): am. [Register October 2002 No. 562](#), eff. 11-1-02; [CR 16-009](#): r. and recr. [Register January 2018 No. 745](#), eff. 2-1-18.

MPSW 11.04 Reciprocal license. ~~Except as provided in s. 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:

- (1) The applicant has a current credential as a professional counselor or the substantial equivalent in good standing in another state or territory of the United States.
 - (2) The requirements for obtaining the credential in the other state or territory of the United States are substantially equivalent to the requirements under s. [457.12](#), Stats.
 - (3) The applicant does not have a license, registration, or certificate revoked, suspended, limited, or subject to any other discipline in any other jurisdiction warranting denial.
 - (4) The applicant does not have a pending charge for an exempt offense, as defined in s. [111.335 \(1m\) \(b\)](#), Stats., or a violent crime against a child, as defined in s. [111.335 \(1m\) \(d\)](#), Stats., that is substantially related to the practice of a professional counselor.
- (4m) The applicant has not been convicted of a crime substantially related to the practice of a professional counselor.
- (5) The applicant has a passing score on the Wisconsin statutes and rules examination.

History: Cr. [Register, November, 1994, No. 467](#), eff. 12-1-94; [CR 02-105](#): am. (intro.), (2) and (4), cr. (5), [Register October 2002 No. 562](#), eff. 11-1-02; [CR 16-009](#): am. (intro.), (2), r. and recr. (3) to (5) [Register January 2018 No. 745](#), eff. 2-1-18; [CR 19-116](#): r. and recr. (4), cr. (4m) [Register May 2020 No. 773](#), eff. 6-1-20; correction in (4) made under s. [35.17](#), Stats., [Register May 2020 No. 773](#).

MPSW 11.045 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.

Chapter MPSW 17

MARRIAGE AND FAMILY THERAPY TEMPORARY LICENSE AND RECIPROCAL LICENSE APPLICATIONS

[MPSW 17.01](#) Temporary license.

[MPSW 17.02](#) Reciprocal license.

Note: Chapter SFC 17 was created as an emergency rule effective April 26, 1993.

Note: Chapter SFC 17 was renumbered ch. MPSW 17 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

Note: Chapter SFC 17 (Title) was amended under [CR 16-008 Register January 2018 No. 745](#) eff. 2-1-18.

MPSW 17.01 Temporary license. The marriage and family therapist section may issue a temporary license permitting a person who has completed the educational and supervised practice requirements for eligibility for a license as a marriage and family therapist upon payment of the fee for the temporary license and application for the next available examination to use the title “marriage and family therapist” and to practice marriage and family therapy. The temporary license is valid for a period not to exceed 9 months from the date of its issuance, and it may be renewed once upon receipt of a written request and any required renewal fee. If a temporary license is returned to the department prior to its expiration along with a written request that it be placed on hold, the temporary license may later be reissued to the holder for the remainder of the 9 month period.

History: Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. [Register October 2002 No. 562](#), eff. 11-1-02; [CR 05-051](#): am. [Register March 2006 No. 603](#), eff. 4-1-06.

MPSW 17.02 Reciprocal license. Except as provided in s. 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:

- (1) The applicant has a current credential as a marriage and family therapist or the substantial equivalent in good standing in another state or territory of the United States.
- (2) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a license under s. [457.10](#), Stats.
- (3) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.
- ~~(4) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of his or her driver's license, or the applicant has such charges pending against him or her, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a marriage and family therapist license.~~
- (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.
- (5) The applicant passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy.

History: Cr. [Register, November, 1994, No. 467](#), eff. 12-1-94; [CR 02-105](#): am. (intro.) (2) and (4), cr. (5), [Register October 2002 No. 562](#), eff. 11-1-02.

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.

MPSW 11 – PC Training Licenses

Comparison with rules in adjacent states:

Illinois:

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

Iowa:

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

Michigan:

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

Minnesota:

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