



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

**Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
October 18, 2022**

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

AGENDA

10:30 A.M.

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

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of July 19, 2022 (3-4)**
- C. Reminders: Scheduling Concerns
- D. Introductions, Announcements, and Recognition
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Member – Term Expiration Date
 - a. Adell, Cynthia C. – 7/1/2023
 - b. Brown, Cynthia – 7/1/2023
 - c. Erickson, Terrance C. – 7/1/2025
 - d. Hansen, Shawna R. – 7/1/2026
 - e. Lee Yang, Sheng B. – 7/1/2023
 - f. Luster, Marietta S. – 7/1/2025
 - g. Marsh, Lindsey E. – 7/1/2024
 - h. Scheidegger, Tammy H. – 7/1/2020
 - i. Simon, Andrea L. – 7/1/2023
 - j. Stumbras, Patrick J. – 7/1/2025
 - k. Webster, Christopher J. – 7/1/2023
- F. 10:30 A.M. PRELIMINARY PUBLIC HEARING: Scope Statement 063-22, Revising MPSW 1, Relating to Substance Use Disorder Practice for Advanced Practice Social Workers and Independent Social Workers**
 - 1) Review and Respond to Preliminary Public Hearing Comments **(5-8)**

G. 10:30 A.M. PRELIMINARY PUBLIC HEARING: Scope Statement 064-22, Revising MPSW 1 to 20, Relating to Telehealth Comprehensive Review

- 1) Review and Respond to Preliminary Public Hearing Comments **(9-12)**

H. Legislative and Policy Matters – Discussion and Consideration

I. Administrative Rule Matters – Discussion and Consideration

- 1) Pending or Possible Rulemaking Projects **(13-14)**

J. COVID-19 – Discussion and Consideration

K. Section Reports – Discussion and Consideration

L. 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

M. Public Comments

ADJOURNMENT

NEXT MEETING: TBD (2023)

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
MEETING MINUTES
JULY 19, 2022**

PRESENT: Cynthia Brown (*arrived at 10:37 a.m.*), Terrance Erickson, Shawna Hansen, Sheng Lee Yang, Marietta Luster, Lindsey Marsh, Tammy Scheidegger, Andrea Simon, Patrick Stumbras, Christopher Webster

EXCUSED: Cynthia Adell

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Tammy Scheidegger, Chairperson, called the meeting to order at 10:31 a.m. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

MOTION: Sheng Lee Yang moved, seconded by Patrick Stumbras, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 19, 2022

MOTION: Lindsey Marsh moved, seconded by Sheng Lee Yang, to approve the Minutes of April 19, 2022 as published. Motion carried unanimously.

(*Cynthia Brown arrived at 10:37 a.m.*)

ADMINISTRATIVE RULES MATTERS

Adoption Order: CR 21-094: MPSW 11, Relating to Professional Counselor Training Licenses

MOTION: Andrea Simon moved, seconded by Tammy Scheidegger, to approve the Adoption Order for Clearinghouse Rule 21-094, MPSW 11, relating to Professional Counselor Training licenses. Motion carried unanimously.

Adoption Order: CR 21-053: MPSW 3, 11, and 17, Relating to Reciprocal Credentialing for Service Members

MOTION: Sheng Lee Yang moved, seconded by Cynthia Brown, to approve the Adoption Order for Clearinghouse Rule 21-053, MPSW 3, 11, and 17, relating to reciprocal credentials for service members. Motion carried unanimously.

ADJOURNMENT

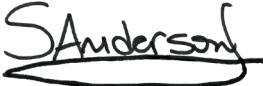
MOTION: Terrance Erickson moved, seconded by Sheng Lee Yang, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:55 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 10/05/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 18, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 10:30 A.M. Preliminary Public Hearing – Scope Statement 063-22 Revising MPSW 1, relating to Substance Use Disorder Practice for Advanced Practice Social Workers and Independent Social Workers	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will hold a Preliminary Public Hearing on this scope as directed by the Joint Committee for Review of Administrative Rules (JCRAR) pursuant to s. 227.136 (1), Stats.			
11) Authorization			
		10/05/2022	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

From: [Sen.Nass](#)
To: [Hereth, Daniel - DSPS; DSPS](#)
Cc: [Tierney, Michael - DSPS; DSPS Admin Rules; Sen.Nass - LEGIS; Rep.Neylon - LEGIS; Grosz, Scott A - LEGIS; Kauffman, Jill - LEGIS; Duchek, Mike - LEGIS](#)
Subject: JCRAR Directive to Hold Preliminary Hearing on Scope Statements SS 063-22 and SS 064-22
Date: Thursday, August 4, 2022 10:12:20 AM

August 4, 2022

Tammy Scheidegger, Chairperson
MPSW Examining Board
Department of Safety & Professional Services
P.O. Box 8366
Madison, WI 53708-8366

RE: SS 063-22 – Substance Use Disorder Practice for Advanced Practice Social Workers
SS 064-22 – Telehealth Comprehensive Review

Dear Chairperson Scheidegger:

As co-chairperson of the Joint Committee for Review of Administrative Rules (JCRAR) and pursuant to s. 227.136 (1), Stats., I write to direct the MPSW Examining Board to hold preliminary public hearings and comment periods on Scope Statement SS 063-22 and SS 064-22, which were published in the Wisconsin Administrative Register on July 25, 2022.

Additionally, pursuant to s. 227.135 (2), Stats., please note that a scope statement may not be approved by the Secretary, the Department of Safety & Professional Services (DSPS), or any of the agencies under DSPS until after the preliminary public hearing and comment period is held by the agency, and accordingly, no activity may be conducted in connection with the drafting of a proposed rule until after such hearing and approval have occurred.

Please confirm receipt of this letter directing a preliminary hearing and comment period on the above scope statements.

Sincerely,

Steve Nass

Senator Steve Nass
Co-Chair, JCRAR

Cc: Dan Hereth, Secretary-designee, DSPS

STATEMENT OF SCOPE

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

Rule No.: MPSW 1

Relating to: Substance Use Disorder Practice for Advanced Practice Social Workers and Independent Social Workers

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

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

The objective is to revise chapter MPSW 1 to implement 2021 Wisconsin Act 222.

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

2021 Wisconsin Act 222 authorizes individuals certified as independent social workers and advanced practice social workers to treat substance use disorder without having to apply for a specialty and satisfy additional educational and supervised training requirements.

The alternative to promulgating rules would be to not update the rules. This would leave the rules inconsistent with statutory provisions, which could create confusion with stakeholders.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) Each examining board shall 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.

457.02 (5m) This chapter does not authorize any individual who is certified under s. 457.08 (1), (2), or (3), 457.09 (1), or 457.14 (1) (a) to (c) to treat substance use disorder as a specialty unless the individual is a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88.

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

60 hours

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

Rev. 3/6/2012

Advanced Practice Social Workers and Independent Social Workers.

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

None

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

None. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Sofia Anderson, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4463

Approved for publication:

Approved for implementation:


Authorized Signature

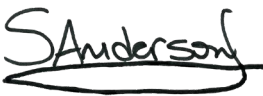
Authorized Signature

6/10/2022
Date Approved

Date Approved

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

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11) Authorization			
		10/05/2022	
Signature of person making this request		Date	
Supervisor (if required)		Date	
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STATEMENT OF SCOPE

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

Rule No.: MPSW 1 to 20

Relating to: Telehealth Comprehensive Review

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

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

The objective of the proposed rule is to complete a comprehensive review of chapters MPSW 1 to 20 in light of 2021 Wisconsin Act 121 and make revisions to ensure the chapter is statutory compliant and is current with professional standards and practices.

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

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is beginning a comprehensive review of chapters MPSW 1 to 20. The Board will make revisions to provide clarity, remove obsolete provisions and ensure the chapter is current with professional telehealth standards and practices.

The alternative to promulgating rules would be to not update the rules. This would leave the rules inconsistent with statutory provisions, which could create confusion with stakeholders.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

s. 15.08 (5) (b) Each examining board shall 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. 457.03 (2) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing a code of ethics to govern the professional conduct of certificate holders and licensees...

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

100 hours

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

Marriage and family therapists, professional counselors and all levels of social workers.

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

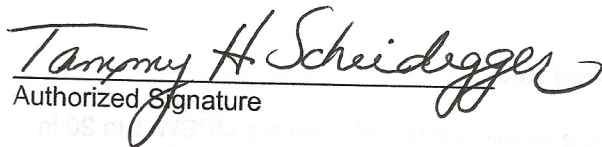
None

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

Minimal to none. It is not likely to have a significant economic impact on small businesses.

Contact Person: Sofia Anderson, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4463

Approved for publication:


Authorized Signature

6/10/2022
Date Approved

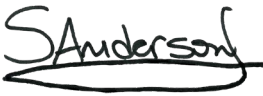
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**State of Wisconsin
Department of Safety & Professional Services**

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10) Describe the issue and action that should be addressed: Attachments: <ul style="list-style-type: none"> • MPSW Rule Projects chart 			
11) Authorization			
		10/05/2022	
Signature of person making this request		Date	
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**MPSW Examining Board
Rule Projects (updated 10/05/2022)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
	064-22	01/25/2025	MPSW 1 to 20	Telehealth Comprehensive Review	The Board requested to do a comprehensive review of all their chapters while implementing 2021 WI Act 121.	Preliminary Public Hearing on October 18, 2022.	If no changes, implement scope and draft of rule.
	063-22	01/25/2025	MPSW 1	Substance Use Disorder practice for APSW and ISW	The Board would like to update MPSW 1 in order to implement 2021 WI Act 222 relating to APSW and ISW being able to provide substance use disorder treatment without a specialty.	Preliminary Public Hearing on October 18, 2022.	If no changes, implement scope and draft of rule.