



**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  
May 16, 2023**

*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**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes of October 18, 2022 (4-5)**

**C. Reminders: Scheduling Concerns**

**D. Introductions, Announcements, and Recognition**

- 1) Recognition of Cynthia Brown, Professional Counselor Public Member (Resigned: 12/19/2022)
- 2) Introduction of Tim Strait, Professional Counselor Member (Succeeds: Miller)

**E. Administrative Matters – Discussion and Consideration**

- 1) Department, Staff and Board Updates
- 2) 2023 Meeting Dates **(6)**
- 3) Annual Policy Review **(7-10)**
- 4) Election of Officers, Appointment of Liaison and Alternates, Delegation of Authorities **(11-13)**
- 5) Board Member – Term Expiration Date
  - a. Adell, Cynthia C. – 7/1/2023
  - b. Erickson, Terrance C. – 7/1/2025
  - c. Hansen, Shawna R. – 7/1/2026
  - d. Lee Yang, Sheng B. – 7/1/2023
  - e. Luster, Marietta S. – 7/1/2025
  - f. Marsh, Lindsey E. – 7/1/2024
  - g. Scheidegger, Tammy H. – 7/1/2020
  - h. Simon, Andrea L. – 7/1/2023
  - i. Strait, Tim – 7/1/2025
  - j. Stumbras, Patrick J. – 7/1/2025
  - k. Webster, Christopher J. – 7/1/2023

**F. Legislative and Policy Matters – Discussion and Consideration**

- 1) MPSW 20, Unprofessional Conduct **(14)**

**G. Administrative Rule Matters – Discussion and Consideration (15-16)**

- 1) Preliminary Rule Draft: MPSW 1, Relating to Substance Use Disorder Practice for APSW and ISW **(17-26)**
- 2) Preliminary Rule Draft: MPSW 1 to 20, Relating to Telehealth **(27-37)**
- 3) Discussion: 2023 Biennial Report Issues **(38-40)**
- 4) Pending or Possible Rulemaking Projects **(41)**

**H. 2023 MPSW Examining Board Goals – Discussion and Consideration (42)**

**I. Public Agenda Request: Commercial Insurance Reimbursement – Discussion and Consideration (43-44)**

**J. Section Reports – Discussion and Consideration**

**K. 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) Public Health Emergencies
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Motions
- 17) Petitions
- 18) Appearances from Requests Received or Renewed
- 19) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**L. Public Comments**

**ADJOURNMENT**

**NEXT MEETING: JULY 18, 2023**

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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://dsps.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, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND  
SOCIAL WORK EXAMINING BOARD  
MEETING MINUTES  
OCTOBER 18, 2022**

**PRESENT:** Terrance Erickson, Shawna Hansen, Marietta Luster, Lindsey Marsh, Tammy Scheidegger, Andrea Simon, Patrick Stumbras, Christopher Webster

**EXCUSED:** Cynthia Adell, Cynthia Brown, Sheng Lee Yang

**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 10:32 a.m. A quorum was confirmed with eight (8) members present.

**ADOPTION OF AGENDA**

**MOTION:** Lindsey Marsh moved, seconded by Andrea Simon, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 19, 2022**

**MOTION:** Patrick Stumbras moved, seconded by Shawna Hansen, to approve the Minutes of July 19, 2022 as published. Motion carried unanimously.

**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**

**Review and Respond to Preliminary Public Hearing Comments**

**MOTION:** Lindsey Marsh moved, seconded by Marietta Luster, to affirm the Board has provided an opportunity to receive public comments concerning Scope Statement (SS) 063-22 on MPSW 1, relating to substance use disorder practice for Advanced Practice Social Workers and Independent Social Workers. Additionally, after consideration of all public comments and feedback the Board approves SS 063-22 for implementation. Motion carried unanimously.

**PRELIMINARY PUBLIC HEARING: SCOPE STATEMENT 064-22, REVISING MPSW 1 TO 20, RELATING TO TELEHEALTH COMPREHENSIVE REVIEW**

**Review and Respond to Preliminary Public Hearing Comments**

**MOTION:** Andrea Simon moved, seconded by Christopher Webster, to affirm the Board has provided an opportunity to receive public comments concerning Scope Statement (SS) 064-22 on MPSW 1 to 20, relating to telehealth comprehensive review. Additionally, after consideration of all public comments and feedback the Board approves SS 064-22 for implementation. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Lindsey Marsh moved, seconded by Andrea Simon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:05 a.m.

DRAFT

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 12/14/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: MPSW Examining Board			
4) Meeting Date: 1/30/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed:  The Board will review and potentially make a motion to approve the follow 2023 meeting dates:  a. Monday, January 30, 2023 – Virtual b. Tuesday, April 18, 2023 – Virtual c. Tuesday, July 18, 2023 – DSPS d. Tuesday, October 17, 2023 - Virtual			
11) <b>Authorization</b>			
<i>Katlin Schwartz</i>		<i>12/14/2022</i>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors		<b>2) Date when request submitted:</b> 12/14/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> All Boards			
<b>4) Meeting Date: First Meeting of 2023</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Annual Policy Review	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>In-Person Meeting Policy:</b> Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings.                         <ul style="list-style-type: none"> <li>• 4-5 Meetings per year = 1 in-person opportunity</li> <li>• 6-8 Meetings per year = 2 in-person opportunities</li> <li>• 12 Meetings per year = 4 in-person opportunities</li> </ul> </li> <li>2. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>3. <b>Walking Quorum:</b> Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>4. <b>Mandatory Training:</b> All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting.</li> <li>5. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>6. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example)</li> <li>7. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time.                         <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>8. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely.</li> </ol>			
<b>11) Authorization</b>			
Katlin Schwartz		12/14/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## Timeline of a Meeting

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**8 business days prior to the meeting:** All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

**7 business days prior to the meeting:** The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

**5 business days prior to the meeting:** The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

**4 business days prior to the meeting:** Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

### Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
  - Public Hearings (on Admin Rules)
  - Administrative Matters
  - Legislation and Policy Matters
  - Administrative Rules Matters
  - Credentialing Matters
  - Education and Exam Issues
  - Public Agenda Requests
  - Current Issues Affecting the Profession
  - Public Comments
- Closed Session items
  - Deliberations on Proposed Disciplinary Actions
    - Stipulations
    - Administrative Warnings
    - Case Closings
    - Monitoring Matters
    - Professional Assistance Procedure (PAP) Issues
  - Proposed Final Decisions and Orders
  - Orders Fixing Costs/Matters Relating to Costs
  - Credentialing Matters
  - Education and Exam Issues

**Thursday of the Week Prior to the Meeting:** Agendas are published for public notice on the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

**1 business day after the Meeting:** "Action" lists are distributed by staff detailing board actions on closed session business.

**5 business days after the Meeting:** "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).



# Department of Safety and Professional Services

## PER DIEM REPORT

**INSTRUCTIONS:** Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

**Purpose Codes:**

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL <b>EXAMPLE EXAMINING BOARD</b>			BOARD OR COUNCIL MEMBER'S NAME <b>MARY SUNSHINE</b>	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p><b>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</b></p> <p><b>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</b></p> <p><b>Department staff completes the fields titled "Total Days Claimed".</b></p>
<b>CLAIMANT'S CERTIFICATION</b>			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**



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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 12/14/2022 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: MPSW Examining Board			
4) Meeting Date: 1/30/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> <li>• Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities</li> </ul>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> <li>1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson &amp; Secretary</li> <li>2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate</li> <li>3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.</li> </ol>			
11) <span style="float: right;">Authorization</span> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;">           Katlin Schwartz  <hr/>           Signature of person making this request         </div> <div style="width: 35%; text-align: right;">           12/14/2022  <hr/>           Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;">           Supervisor (Only required for post agenda deadline items)         </div> <div style="width: 35%; text-align: right;">           Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;">           Executive Director signature (Indicates approval for post agenda deadline items)         </div> <div style="width: 35%; text-align: right;">           Date         </div> </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## MPSW EXAMINING BOARD

### 2022 Elections and Liaison Appointments

ELECTION RESULTS	
<b>Chairperson</b>	Tammy Scheidegger
<b>Vice Chairperson</b>	Sheng Lee Yang
<b>Secretary</b>	Lindsey Marsh

### Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
<b>Substance Abuse Disorder Specialty Liaison</b>	Patrick Stumbras <i>Alternate: Lindsey Marsh</i>

### Delegation of Authorities

#### *Document Signature Delegations*

**MOTION:** Lindsey Marsh moved, seconded by Andrea Simon, 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:** Lindsey Marsh moved, seconded by Sheng Lee Yang, 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:** Andrea Simon moved, seconded by Christopher Webster, 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:** Sheng Lee Yang moved, seconded by Andrea Simon, to delegate authority to the Substance Abuse Disorder Specialty Liaison(s) to address all issues pertaining to specialty designations. Motion carried unanimously.

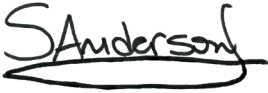
**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 01/17/2023 <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: 01/30/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input checked="" type="checkbox"/> Yes Mike Tierney – 11:30am <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: 1) MPSW 20			
11) Authorization			
 Signature of person making this request		01/17/2023 Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Sofia Anderson, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 4/6/2023 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
<b>4) Meeting Date:</b> April 18, 2023	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters – Discussion and Consideration  1. Preliminary Rule Draft: MPSW 1 relating to substance use disorder practice for APSW and ISW. 2. Preliminary Rule Draft: MPSW 1 to 20 relating to telehealth. 3. Discussion: 2023 Biennial Report issues. 4. Pending or Possible Rulemaking Projects.	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Attachments: <ul style="list-style-type: none"> <li>• MPSW 1 for ASW and ISW: Chapter MPSW 1 Redlined text</li> <li>• MPSW 1 for ASW and ISW: Preliminary Rule Draft</li> <li>• MPSW 1 to 20 Telehealth: Chapter MPSW 1 Redlined text</li> <li>• MPSW 1 to 20 Telehealth: Chapter MPSW 20 Redlined text</li> <li>• MPSW 1 to 20 Telehealth: 4-state analysis</li> <li>• 2023 Biennial Report</li> <li>• MPSW Rule Projects chart</li> </ul>			
<b>11) Authorization</b>  <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">   <hr/>                 Signature of person making this request             </div> <div style="text-align: center;">                 4/6/2023  <hr/>                 Date             </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/>                 Supervisor (if required)             </div> <div style="width: 30%;"> <hr/>                 Date             </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> <hr/>                 Executive Director signature (indicates approval to add post agenda deadline item to agenda)             </div> <div style="width: 25%;"> <hr/>                 Date             </div> </div>			

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

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.



## **Chapter MPSW 1**

### **AUTHORITY AND PRACTICE**

**MPSW 1.01 Authority.** This chapter is adopted pursuant to ss. [15.08 \(5\) \(b\)](#), [15.405 \(7c\) \(d\)](#) and [227.11 \(2\)](#), Stats.

**MPSW 1.02 Definitions.** In chs. [MPSW 1](#) to [6](#) and [10](#) to [20](#):

**(1)** "AODA" means alcohol or other drug abuse.

**(1g)** "Board" means the marriage and family therapy, professional counseling, and social work examining board.

**(1q)** "Credential" means a certificate or a license granted by the board.

**(2)** "Department" means the department of safety and professional services.

**(2d)** "DSM" means the diagnostic and statistical manual of mental disorders and refers to the most recent edition.

**(2h)** "ICRC" means the international certification reciprocity consortium.

**(2m)** "Psychotherapy" means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

**(3)** "Section" means either the marriage and family therapist section, the professional counselor section, or the social worker section of the marriage and family therapy, professional counseling and social work examining board.

**MPSW 1.035 Rule-making.**

**(1)** Except as provided in sub. [\(2\)](#), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

**(2)** The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest among the sections.

**MPSW 1.04 Application procedures for all sections of the board.** An application for certification is incomplete until all materials requested are received by the board office, in English or accompanied by a certified English translation.

**Note:** The board's mailing address is Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935.

**MPSW 1.05 Examination provisions for all sections.**

(1) The board or its designee shall administer the examinations required of applicants for certification as a social worker, advanced practice social worker, or independent social worker, or for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(6) The passing grade on each examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for the examination testing entry level competency.

**MPSW 1.08 Credential renewal and reinstatement procedures.**

(1) Renewal by expiration date. A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#), Stats. and attesting to completion of the continuing education required under s. [MPSW 19.02](#).

(2) Renewal within 5 years. If the credential is renewed after the expiration date and within 5 years of the expiration date, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#), Stats., attesting to completion of the continuing education required under s. [MPSW 19.02](#), and paying a late renewal fee.

(3) Renewal after 5 years of renewal date. This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years of the renewal date by complying with all of the following:

(a) Payment of the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#) and the late renewal fee.

(b) Evidence of one of the following:

1. An active credential in good standing in another state.

2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

(4) Reinstatement. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (3) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

**MPSW 1.09 Substance abuse disorder specialty.**

**(1)** Use of title and scope of practice.

**(a)** A person certified by the board may use the title “alcohol and drug counselor” or “chemical dependency counselor” only if the person is credentialed as a substance abuse counselor under s. [440.88](#), Stats., or satisfies the educational and supervised training requirements established in this section.

**(b)** A person who is certified by the board may treat substance use disorder as a specialty if the person is credentialed under s. [440.88](#), Stats., or satisfies the educational and supervised training requirements established in this section.

**(c)** A person certified by the board may do all of the following:

1. Prepare a client for substance use disorder treatment by referral.
2. Continue to work with the non-substance use disorder issues of a person who has been referred for substance use disorder treatment.
3. Continue to treat a client who is in recovery following treatment for substance use disorder.

~~**(2)** Specialty requirements for individuals certified as an advanced practice social worker or independent social worker. To be authorized to treat substance use disorder as a specialty, an advanced practice social worker or independent social worker shall meet all of the following:~~

~~**(a)** A minimum of 135 contact hours of substance use disorder education, which may be obtained within the master’s degree or additional to the master’s degree. The education shall contain all of the following topics:~~

- ~~1. Understanding addiction.~~
- ~~2. Knowledge of addiction treatment.~~
- ~~3. Application to addiction practice.~~
- ~~4. Professional readiness in addiction treatment.~~

~~**(b)** A minimum of 200 hours of face to face client treatment with individuals diagnosed with substance use disorders, under the supervision of a qualified supervisor.~~

**(3)** Specialty requirements for individuals certified by the board other than as advanced practice social workers or independent social workers. To be authorized to treat substance use disorder as a specialty, an individual certified under s. [457.08 \(1\)](#), [457.09 \(1\)](#) or [457.14 \(1\) \(a\)](#), Stats., shall meet all of the following:

**(a)** A minimum of 180 contact hours of substance use disorder education, which may be obtained within the bachelor or master's degree or in addition to the bachelor or master's degree. The education shall be in all of the following:

1. Thirty hours in assessment training.
2. Thirty hours in counseling training.

3. Thirty hours in case management.
4. Thirty hours in patient education.
5. Thirty hours in professional responsibility.
6. Three hours in boundaries and ethics.
7. Twenty-seven hours in electives in any of the subjects in subds. [1.](#) to [6.](#)

(b) A minimum of 1,000 of hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders. The supervised hours can be either the same as or separate from the hours obtained for the credential issued by the board.

(4) Qualified supervisors. A qualified supervisor is a person who is knowledgeable in psychopharmacology and addiction treatment and is any of the following:

- (a) A clinical supervisor, as defined in s. [SPS 160.02 \(7\)](#).
- (b) A licensed marriage and family therapist.
- (c) A licensed professional counselor.
- (d) A licensed [advanced practice, independent, or](#) clinical social worker.
- (e) A licensed psychologist.
- (f) A licensed physician.
- (g) An individual, other than an individual specified in pars. [\(a\)](#) to [\(f\)](#), who is approved in advance by the board.

(5) Continuing education. To maintain the authority to treat substance use disorder, an individual certified by the board must complete at least 6 continuing education hours during each biennial credentialing period in substance use disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

#### **MPSW 1.10 Professional liability insurance.**

(1) Except as provided in sub. [\(2\)](#), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection [\(1\)](#) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

#### **MPSW 1.11 Psychometric testing.**

(1) Authority. This rule is adopted pursuant to ss. [15.08 \(5\) \(b\)](#), [227.11 \(2\)](#) and [457.033](#), Stats.

**(2) Definition.** In this section, the term “psychometric test” means a procedure for measuring psychological, behavioral or interpersonal characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. A person credentialed by the board may not use a testing instrument for diagnostic or assessment purposes unless he or she satisfies the requirements in sub. [\(5\)](#). Psychometric testing does not include a test instrument used solely to screen for problems, to assist in treatment planning, to clarify treatment goals, to plan for interventions, to monitor progress in treatment or an unstandardized questionnaire, unstructured behavior sample or a test used to evaluate performance in education or training or training prepared by a teacher or trainer.

**(3) Requirements for performing psychometric testing.** The competent use of a psychometric test requires that the licensee or person supervised by the licensee have the requisite knowledge, skills, training and experience needed to do all of the following:

- (a)** Independently select and administer tests appropriate to the practice setting and area of practice.
- (b)** Accurately administer, score, and interpret the test.
- (c)** Understand and communicate the strengths and limitations of the test appropriate to the context in and purpose for which it is given.
- (d)** Use culturally appropriate and sensitive instruments and norms.
- (e)** Analyze the results within a broad context of information about the examinee's life.
- (f)** Seek supervision or consultation as needed from any licensee who are authorized to perform psychometric testing under this subsection.

**(4) Licenses authorized to perform psychometric testing.** Psychometric testing may be performed by the following individuals:

- (a)** A psychologist licensed under ch. [455](#), Stats.
- (b)** A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and is acting under the supervision of a licensed psychologist.
- (c)** A licensed marriage and family therapist, licensed professional counselor or licensed clinical social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and [\(b\)](#).
- (d)** A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and is acting under the supervision of another licensee of the board specified in par. [\(c\)](#).

**(5) Educational requirements for performing psychometric testing without supervision.** A person who meets the requirements in s. [MPSW 1.11 \(4\) \(b\)](#), [\(c\)](#) or [\(d\)](#) may engage in psychometric testing without

supervision only if the appropriate section of the board has received and approved the following information demonstrating generic and specific qualifications to perform psychometric testing:

**(a)** Academic training at the graduate or postgraduate level from a regionally accredited program that covered:

1. Descriptive statistics.
2. Reliability and measurement error.
3. Validity and meaning of test scores.
4. Normative interpretation of test scores.
5. Selection of appropriate tests.
6. Test administration procedures.
7. Ethnic, racial, cultural, gender, age and linguistic variables.
8. Testing individuals with disabilities.

**(b)** A signed statement from a professional qualified to supervise psychometric testing as set forth in sub. [\(4\) \(a\)](#) and [\(c\)](#) that the supervised licensee meets the requirements to use psychometric tests as set forth in this subsection. A licensee determined to be qualified to use psychometric tests by prior affidavit is not required to resubmit a signed statement and is deemed to meet the requirements of pars. [\(a\)](#) and [\(b\)](#).

**(6)** Licenses qualified to supervise psychometric testing. The only professionals qualified to supervise psychometric testing are licensed psychologists, licensed marriage and family therapists, licensed professional counselors, and licensed clinical social workers who meet the requirements in sub. [\(5\) \(a\)](#) and [\(b\)](#).

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

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

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PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to repeal MPSW 1.09 (2); and to amend MPSW 1.09 (4) (d); relating to substance use disorder practice for Advanced Practice Social Workers and Independent Social Workers.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

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

**Statutory authority:**

Sections 15.08 (5) (b), 440.88 (3m), 457.02 (5m). and 457.03 (1), Stats.

**Explanation of agency authority:**

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

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

Section 457.02 (5m), Stats., states that MPSW 1 does not “[a]uthorize any individual who is certified under s. 457.08 (1), 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.”

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

**Related statute or rule:**

Ch. SPS 160 and s. 440.88, Stats.

**Plain language analysis:**

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.

This rule project repeals the subsection in chapter MPSW 1, which requires advanced practice social workers and independent social workers to apply for a substance use disorder specialty. The project also amends who can supervise social workers licensees or social worker certificate holders if they are pursuing a substance use disorder specialty.

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

None.

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

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board held a preliminary hearing on the statement of scope for this rule at its October 18, 2022 meeting. No comments were received.

**Comparison with rules in adjacent states:**

**Illinois:**

Illinois does not have requirements for a social worker to obtain specified education or training to specialize in substance use disorder treatment.

**Iowa:**

Iowa does not have requirements for a social worker to obtain specified education or training to specialize in substance use disorder treatment.



**Michigan:**

Michigan does not have requirements for a social worker to obtain specified education or training to specialize in substance use disorder treatment.

**Minnesota:**

Minnesota does not have requirements for a social worker to obtain specified education or training to specialize in substance use disorder treatment.

**Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewed chapter MPSW 1 and implementing 2021 Wisconsin Act 222 to ensure that the code is compliant with statutory changes and with current standards of practice. No additional factual data or analytical methodologies were used to develop the proposed rules.

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

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

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis 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 [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-2112.

**Agency contact person:**

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

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

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the

beginning of the public hearing scheduled for TBD to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. MPSW 1.09 (2) is repealed.

SECTION 2. MPSW 1.09 (4) (d) is amended to read:

**MPSW 1.09 (4) (d)** A licensed advanced practice social worker, independent social worker, or clinical social worker.

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

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(END OF TEXT OF RULE)

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## Chapter MPSW 1

### AUTHORITY AND PRACTICE

**MPSW 1.01 Authority.** This chapter is adopted pursuant to ss. [15.08 \(5\) \(b\)](#), [15.405 \(7c\) \(d\)](#) and [227.11 \(2\)](#), Stats.

**MPSW 1.02 Definitions.** In chs. [MPSW 1](#) to [6](#) and [10](#) to [20](#):

(1) "AODA" means alcohol or other drug abuse.

(1g) "Board" means the marriage and family therapy, professional counseling, and social work examining board.

(1q) "Credential" means a certificate or a license granted by the board.

(2) "Department" means the department of safety and professional services.

(2d) "DSM" means the diagnostic and statistical manual of mental disorders and refers to the most recent edition.

~~(2h) "ICRC" means the international certification reciprocity consortium.~~

(2m) "Psychotherapy" means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(3) "Section" means either the marriage and family therapist section, the professional counselor section, or the social worker section of the marriage and family therapy, professional counseling and social work examining board.

~~(4) "Telehealth" is defined under s. 440.01 (1) (hm), Stats.~~

~~**MPSW 1.025 Practice of telehealth.** A marriage and family therapist in training, marriage and family therapist, professional counselor in training, professional counselor, social worker, advanced practice social worker, independent social worker, and clinical social worker who provides using a telehealth visit shall be held to the same standards of practice, care, and professional conduct used for an in-person visit. Providers shall utilize technology that is of sufficient quality to be functionally equivalent to a face-to-face contact.~~

**MPSW 1.035 Rule-making.**

(1) Except as provided in sub. (2), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

(2) The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest among the sections.

**MPSW 1.04 Application procedures for all sections of the board.** An application ~~for certification~~ is incomplete until all materials requested are received by the board office, in English or accompanied by a certified English translation.

**Note:** ~~The board's mailing address is Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935. Application instructions are available at the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.~~

**MPSW 1.05 Examination provisions for all sections.**

(1) The board or its designee shall administer the examinations required of applicants for certification as a social worker, advanced practice social worker, or independent social worker, or for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(6) The passing grade on each examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for the examination testing entry level competency.

**MPSW 1.08 Credential renewal and reinstatement procedures.**

(1) Renewal by expiration date. A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#), Stats. and attesting to completion of the continuing education required under s. [MPSW 19.02](#).

(2) Renewal within 5 years. If the credential is renewed after the expiration date and within 5 years of the expiration date, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#), Stats., attesting to completion of the continuing education required under s. [MPSW 19.02](#), and paying a late renewal fee.

(3) Renewal after 5 years of renewal date. This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years of the renewal date by complying with all of the following:

(a) Payment of the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#) and the late renewal fee.

(b) Evidence of one of the following:

1. An active credential in good standing in another state.

2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

(4) Reinstatement. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (3) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

**MPSW 1.09 Substance abuse disorder specialty.**

**(1) Use of title and scope of practice.**

(a) A person certified by the board may use the title “alcohol and drug counselor” or “chemical dependency counselor” only if the person is credentialed as a substance abuse counselor under s. 440.88, Stats., or satisfies the educational and supervised training requirements established in this section.

(b) A person who is certified by the board may treat substance use disorder as a specialty if the person is credentialed under s. 440.88, Stats., or satisfies the educational and supervised training requirements established in this section.

(c) A person certified by the board may do all of the following:

1. Prepare a client for substance use disorder treatment by referral.
2. Continue to work with the non-substance use disorder issues of a person who has been referred for substance use disorder treatment.
3. Continue to treat a client who is in recovery following treatment for substance use disorder.

**(2) Specialty requirements for individuals certified as an advanced practice social worker or independent social worker. To be authorized to treat substance use disorder as a specialty, an advanced practice social worker or independent social worker shall meet all of the following:**

(a) A minimum of 135 contact hours of substance use disorder education, which may be obtained within the master’s degree or additional to the master’s degree. The education shall contain all of the following topics:

1. Understanding addiction.
2. Knowledge of addiction treatment.
3. Application to addiction practice.
4. Professional readiness in addiction treatment.

(b) A minimum of 200 hours of face-to-face client treatment with individuals diagnosed with substance use disorders, under the supervision of a qualified supervisor.

**(3) Specialty requirements for individuals certified by the board other than as advanced practice social workers or independent social workers. To be authorized to treat substance use disorder as a specialty,**

an individual certified under s. [457.08 \(1\)](#), [457.09 \(1\)](#) or [457.14 \(1\) \(a\)](#), Stats., shall meet all of the following:

**(a)** A minimum of 180 contact hours of substance use disorder education, which may be obtained within the bachelor or master's degree or in addition to the bachelor or master's degree. The education shall be in all of the following:

1. Thirty hours in assessment training.
2. Thirty hours in counseling training.
3. Thirty hours in case management.
4. Thirty hours in patient education.
5. Thirty hours in professional responsibility.
6. Three hours in boundaries and ethics.
7. Twenty-seven hours in electives in any of the subjects in subds. [1.](#) to [6.](#)

**(b)** A minimum of 1,000 of hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders. The supervised hours can be either the same as or separate from the hours obtained for the credential issued by the board.

**(4)** Qualified supervisors. A qualified supervisor is a person who is knowledgeable in psychopharmacology and addiction treatment and is any of the following:

- (a)** A clinical supervisor, as defined in s. [SPS 160.02 \(7\)](#).
- (b)** A licensed marriage and family therapist.
- (c)** A licensed professional counselor.
- (d)** A licensed clinical social worker.
- (e)** A licensed psychologist.
- (f)** A licensed physician.
- (g)** An individual, other than an individual specified in pars. [\(a\)](#) to [\(f\)](#), who is approved in advance by the board.

**(5)** Continuing education. To maintain the authority to treat substance use disorder, an individual certified by the board must complete at least 6 continuing education hours during each biennial credentialing period in substance use disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

#### **MPSW 1.10 Professional liability insurance.**

**(1)** Except as provided in sub. [\(2\)](#), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor may not practice clinical social work, marriage and family therapy,

or professional counseling unless he or she has in effect professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

#### **MPSW 1.11 Psychometric testing.**

(1) Authority. This rule is adopted pursuant to ss. [15.08 \(5\) \(b\)](#), [227.11 \(2\)](#) and [457.033](#), Stats.

(2) Definition. In this section, the term “psychometric test” means a procedure for measuring psychological, behavioral or interpersonal characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. A person credentialed by the board may not use a testing instrument for diagnostic or assessment purposes unless he or she satisfies the requirements in sub. (5). Psychometric testing does not include a test instrument used solely to screen for problems, to assist in treatment planning, to clarify treatment goals, to plan for interventions, to monitor progress in treatment or an unstandardized questionnaire, unstructured behavior sample or a test used to evaluate performance in education or training or training prepared by a teacher or trainer.

(3) Requirements for performing psychometric testing. The competent use of a psychometric test requires that the licensee or person supervised by the licensee have the requisite knowledge, skills, training and experience needed to do all of the following:

- (a) Independently select and administer tests appropriate to the practice setting and area of practice.
- (b) Accurately administer, score, and interpret the test.
- (c) Understand and communicate the strengths and limitations of the test appropriate to the context in and purpose for which it is given.
- (d) Use culturally appropriate and sensitive instruments and norms.
- (e) Analyze the results within a broad context of information about the examinee's life.
- (f) Seek supervision or consultation as needed from any licensee who are authorized to perform psychometric testing under this subsection.

(4) Licenses authorized to perform psychometric testing. Psychometric testing may be performed by the following individuals:

- (a) A psychologist licensed under ch. [455](#), Stats.
- (b) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and is acting under the supervision of a licensed psychologist.

**(c)** A licensed marriage and family therapist, licensed professional counselor or licensed clinical social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and [\(b\)](#).

**(d)** A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and is acting under the supervision of another licensee of the board specified in par. [\(c\)](#).

**(5)** Educational requirements for performing psychometric testing without supervision. A person who meets the requirements in s. [MPSW 1.11 \(4\) \(b\)](#), [\(c\)](#) or [\(d\)](#) may engage in psychometric testing without supervision only if the appropriate section of the board has received and approved the following information demonstrating generic and specific qualifications to perform psychometric testing:

**(a)** Academic training at the graduate or postgraduate level from a regionally accredited program that covered:

1. Descriptive statistics.
2. Reliability and measurement error.
3. Validity and meaning of test scores.
4. Normative interpretation of test scores.
5. Selection of appropriate tests.
6. Test administration procedures.
7. Ethnic, racial, cultural, gender, age and linguistic variables.
8. Testing individuals with disabilities.

**(b)** A signed statement from a professional qualified to supervise psychometric testing as set forth in sub. [\(4\) \(a\)](#) and [\(c\)](#) that the supervised licensee meets the requirements to use psychometric tests as set forth in this subsection. A licensee determined to be qualified to use psychometric tests by prior affidavit is not required to resubmit a signed statement and is deemed to meet the requirements of pars. [\(a\)](#) and [\(b\)](#).

**(6)** Licenses qualified to supervise psychometric testing. The only professionals qualified to supervise psychometric testing are licensed psychologists, licensed marriage and family therapists, licensed professional counselors, and licensed clinical social workers who meet the requirements in sub. [\(5\) \(a\)](#) and [\(b\)](#).



## Chapter MPSW 20

### CONDUCT

**MPSW 20.01 Definition.** "Gross negligence" in the practice of social work, or marriage and family therapy, or professional counseling means the performance of professional services that does not comply with an accepted standard of practice that has a significant relationship to the protection of the health, safety or welfare of a patient, client, or the public, and that is performed in a manner indicating that the person performing the services knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

**MPSW 20.02 Unprofessional conduct.** Unprofessional conduct related to the practice under a credential issued under ch. 457, Stats., whether the service is provided in person or by telehealth, and includes engaging in, attempting to engage in, or aiding or abetting the following conduct:

- (1) Performing or offering to perform services for which the credential holder is not qualified by education, training or experience.
- (2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential.
- (3) Undertaking or continuing performance of professional services after having been adjudged incompetent by any court of law.
- (4) Using fraud or deception in the application for a credential.
- (5) Using false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.
- (6) Engaging in false, fraudulent, deceptive or misleading billing practices.
- (7) Reporting distorted, false, or misleading information or making false statements in practice.
- (8) Discriminating on the basis of age, race, color, biological sex, gender, gender identity, religion, creed, national origin, ancestry, ethnicity, disability or sexual orientation by means of service provided or denied.
- (9) Practicing or attempting to practice while the credential holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the credential holder's ability to appropriately carry out the functions delineated under the credential in a manner consistent with the safety of a client, patient, or the public.
- (10) Revealing facts, data, information, records or communication received from a client in a professional capacity, except in any of the following circumstances:
  - (a) With the informed consent of the client or the client's authorized representative.
  - (b) With notification to the client prior to the time the information was elicited of the use and distribution of the information.

- (c)** If necessary to prevent injury to the client or another person, or to report suspected abuse or neglect of a child, or threatened abuse or neglect of a child, including mandatory reports under state or federal law.
  - (d)** Pursuant to a lawful order of a court of law.
  - (e)** Use of case history material for teaching, therapeutic or research purposes, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.
  - (f)** When required pursuant to federal or state statute.
- (11)** Engaging in sexual contact, sexual conduct, or any other behavior which could reasonably be construed as seductive, romantic, harassing, or exploitative, with:
- (a)** A client.
  - (b)** A former client, regardless of the amount of time that has passed since the termination of professional services.
  - (c)** A person to whom the credentialed person is providing teaching, supervisory, or other instructional services.
- (12)** Failing to obtain the informed consent of the client or client's authorized representative prior to providing treatment.
- (13)** Failing to avoid dual relationships that may impair the credentialed person's objectivity or create a conflict of interest. Dual relationships prohibited to credentialed persons include the credentialed person treating the credentialed person's employers, employees, supervisors, supervisees, close friends or relatives, and any other person with whom the credentialed person shares any important continuing relationship.
- (13g)** Developing a personal relationship with a former client that would impact the credentialed person's objectivity. This restriction shall apply for two years following the termination of the credential holder-client relationship.
- (13r)** Taking unfair advantage of any professional relationship, or exploiting clients, students, or supervisees.
- (14)** Failing to conduct an assessment, evaluation, or diagnosis as a basis for treatment.
- (15)** Employing or claiming to have available secret techniques or procedures that the credential holder refuses to divulge.
- (16)** In the conduct of research, failing to obtain the informed consent of a study participant, failing to protect participants from physical or mental discomfort, harm or danger, or failing to detect and remove any undesirable consequences to the participants resulting from research procedures.
- (17)** Failing to inform the client of financial interests which are not obvious and which might accrue to the credential holder for referral to or for any use of service, product or publication.

- (18)** Failing to maintain adequate records relating to services provided to a client in the course of a professional relationship. Clinical records shall be maintained for at least 7 years after the last service provided, unless otherwise provided by state or federal law.
- (19)** Violating any of the provisions of ch. [457](#), Stats.
- (20)** Failing to notify the board within 30 days that a credential permitting the practice of any profession previously issued to the credential holder has been revoked, suspended, limited, denied, surrendered under investigation, or subject to any other disciplinary action by the authorities of any jurisdiction.
- (21)** Failing to make reasonable efforts to notify a client or a client's authorized representative when professional services will be interrupted or terminated by the credential holder.
- (22)** Gross negligence in practice in a single instance, or negligence in practice in more than one instance.
- (23)** Having a credential permitting the practice or use of a title related to marriage and family therapy, professional counseling, or social work revoked, suspended, limited, denied, surrendered under investigation, or by any other jurisdiction.
- (24)** Failing to notify the appropriate section in writing within 48 hours after the entry of a judgment of conviction for a felony or misdemeanor against the credentialed person, including the date, place, and nature of the conviction or finding. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime in order that the section may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the credential holder's practice.
- (25)** Employing or promoting any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity, including attempting to change behaviors or expressions of self or to reduce sexual or romantic attractions or feelings toward individuals of the same gender. This does not include counseling that assists a client who is seeking 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. Nor does it include 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.
- (26)** Knowingly aiding, assisting, or advising in the unlawful practice of marriage and family therapy, professional counseling, or social work.
- (27)** Failing to comply with mandatory child abuse reporting requirements under state or federal law.
- (28)** Failing to obtain written, informed consent from the client or client's legal representative prior to the use of electronic taping, recording, or filming procedures, unless the electronic taping, recording, or filming is necessary as part of a legal investigation or proceedings.
- (29)** Failing to exercise an adequate degree of supervision over subordinates.

**(30)** Refusing to cooperate in a timely manner with the section's investigation of a complaint lodged against a credentialed person. Credentialed persons taking longer than 30 days to respond shall have the burden of demonstrating that they have acted in a timely manner.

**(31)** Withholding documentation, or approval for submission, of a supervisee's clinical experience hours required to obtain a credential.

**(32) Providing telehealth services without having a credential permitting the practice or use of a title related to marriage and family therapy, professional counseling, or social work**

## MPSW 1 to 20 Telehealth

**Michigan:** Michigan statutes and rules do not specifically address how marriage and family therapists, professional counselors, and social workers should provide services using telehealth.

**Minnesota:** Minnesota statutes and rules do not specifically address how marriage and family therapists, professional counselors, and social workers should provide services using telehealth.

**Iowa:** Iowa Board of Social Work establishes that a licensee shall assess a client's suitability and capacity for online and remote services during the first contact with the client and keep assessing whether in-person or remote consultations should be done before providing social work services. This assessment shall be continually done during the course of the professional relationship and the social worker shall take reasonable steps to ensure the client's identity, ability to consent to services, and location. [645 IAC 282.2 (19)]

Iowa Board of Behavioral Scientists, which includes marriage and family therapists and mental health counselors, states that services provided to an individual within the state either through telephone or other electronic means constitute the practice of marital and family therapy and mental health counseling and shall be subject to regulation, regardless of the location of the therapist or counselor. [645 IAC 31.18 (154D)]

**Illinois:** Illinois regulates marriage and family therapy, professional counseling, and social work practice through the Department of Financial and Professional Regulation. The Clinical Social Work and Social Work Practice Act establishes two exemptions for social work telehealth practices if the social worker is not a resident of Illinois and performs services for another nonresident if they already had a previously established relationship and the social worker holds a proper license to perform the services in the state or country they reside. [225 ILCS 20/4]

The Marriage and Family Therapy Act and not contain any provisions for providers practicing telehealth services. [225 ILCS 55]

Illinois Telehealth Act establishes definitions, practice authority, and use of telehealth services for all professions, occupations, and business operations. [225 ILCS 150]

**Tammy Scheidegger**  
Chairperson

**Sheng Lee Yang**  
Vice Chairperson

**Lindsey Marsh**  
Secretary

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



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March 14, 2023

Senator Stephen Nass, Senate Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 10 South, State Capitol  
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 204 North, State Capitol  
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

**I. Unauthorized rules, as defined in s. 227.26 (4) (a):**

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

**II. Rules for which the authority to promulgate has been restricted:**

<b>Rule</b>	<b>Description of why the rule is duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction</b>	<b>Action taken to address or reason for not taking an action</b>
s. MPSW 20.02 (25)	This section makes conversion therapy unprofessional conduct. JCRAR decided to suspend this subsection on the grounds that the provision is arbitrary and capricious, and fails to comply with legislative intent.	Pursuant to 227.26 (2) (f), JCRAR introduced 2023 AB 3 and SB 4, in support of the suspension. Both bills look to redefine unprofessional conduct for the MPSW Examining Board and to suspend the conversion therapy inclusion in ch. MPSW 20. The matter awaits action by the Legislature.

**III. Rules that are obsolete or that have been rendered unnecessary:**

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

**IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:**

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

**V. Rules that are economically burdensome:**

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are economically burdensome.

**VI. Status of rules identified in the Board’s previous report:**

<b>Rule</b>	<b>Description of why the rule is obsolete or has been rendered unnecessary</b>	<b>Action taken to address or reason for not taking an action</b>
s. MPSW 1.02 (2h)	The entity described in this definition should be IC&RC, not ICRC.	The board is currently working on SS 064-22, a MPSW 1 to 20 comprehensive review regarding telehealth, which also includes a revision of obsolete provisions.
s. MPSW 19.03 (1) (a)	This provision currently does not include several entities that provide continuing education programs that the board would like to add as approved providers, and also contains duplicative entries.	The board will review and consider a scope statement to correct this issue at upcoming meetings.
s. MPSW 1.04	The provision refers to only applications for certification. It should refer to both applications for certification and applications for licensure. The board issues both licenses (LCSW, MFT, LPC, ITs) and certificates (APSW, SWTC, CSW, CISW) under state law.	The board is currently working on SS 064-22, a MPSW 1 to 20 comprehensive review regarding telehealth, which also includes a revision of obsolete provisions.
s. MPSW 3.07 (3)	The training requirement for certification as an ISW does not match the statutory requirement in s. 457.08 (3) (c).	The board will review and consider a scope statement to correct this issue at upcoming meetings.

s. MPSW 3.09 (3m)	The requirements enumerated in this provision for an individual to obtain credit for clinical hours completed outside of Wisconsin are inconsistent with the current clinical training hour requirements in MPSW 3.09 (3) for licensure as a clinical social worker.	The board will review and consider a scope statement to correct this issue at upcoming meetings.
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Thank you.

Cordially,



Tammy Scheidegger  
Chairperson

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




**MPSW Examining Board  
Rule Projects (updated 4/6/2023)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Synopsis</b>	<b>Current Stage</b>	<b>Next Step</b>
	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.	Drafting Rule	EIA Comment Period and submission to Clearinghouse
	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.	Drafting Rule	EIA Comment Period and submission to Clearinghouse

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 1/24/2023 <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: 1/30/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 MPSW Examining Board Goals – Discussion and Consideration	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>	
10) Describe the issue and action that should be addressed: <Click Here to Add Description>			
11) Authorization			
		1/24/2023	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Brad Wojciechowski		<b>2) Date when request submitted:</b> 01/17/2023 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> MPSW Examining Board			
<b>4) Meeting Date:</b> 01/17/2023	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Public Agenda Request – Commercial Insurance reimbursement – Discussion and Consideration	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> <Click Here to Add Case Advisor Name or N/A>
<b>10) Describe the issue and action that should be addressed:</b> To Whom It May Concern:  Our names are Elaine Smits (Director of Libertas Treatment Center) and Miranda Behnke (Program Manager of Libertas Treatment Center), and we live and work in northeast Wisconsin. Libertas Treatment Center has substance use treatment facilities in both Green Bay and Marinette Wisconsin, working with adolescents and adults. Within this rural area of the state, there is great concern with the high number of people with a substance use disorder and the low number of providers that are available to meet their treatment needs. There are three major areas, that if left unaddressed, will challenge the ability to treat those with a substance use disorder.  1. For your consideration, Per State statute 632.89, only Masters or Doctoral level professionals are eligible for commercial insurance reimbursement across the spectrum of substance use treatment and care. It is critically important that all licensed substance use providers, including Certified Substance Abuse Counselors (CSAC), Substance Abuse Counselors (SAC), and Substance Abuse Counselors-In Training (SAC-IT) under the supervision of Independent Clinical Supervisors (ICS), Licensed Professional Counselors (LPC), Licensed Marriage and Family Therapists (LMFT), or Licensed Clinical Social Workers (LCSW), be provided equitable reimbursement for services rendered by all insurances (commercial, state, and federal). According to DHS 75, these are licensed staff that are operating under their scope of practice. This exclusion of available providers compromises those who are seeking help for substance use, especially in rural areas as there may be no other provider for many miles. From a patient perspective, we can clinically meet the needs of those on Medicaid, but not those who have commercial insurance.  2. Non Masters substance use counselors are recognized and reimbursed by Wisconsin Medicaid. Although positive that these providers are recognized as reimbursable, the cost of substance use treatment does exceed the reimbursements from Medicare and Medicaid, challenging the sustainability of substance use treatment programs billing Medicaid alone. Add this to the reality that 75% of patients that need SUD treatment in our rural areas utilize Medicaid benefits, the inability to gain any reimbursement from commercial insurance challenges our ability to maintain sustainable services. Although possibly outside the scope of DSPS, we wonder if exclusion of these providers from commercial insurance may also have mental health parity implications, since limitations on care for those with substance use are greater than those with other health care conditions.			

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

3. High costs of education coupled with the low reimbursement rates deters potential students from entering the substance use treatment profession. Due to low reimbursement rates from all payor sources, salaries for such professionals are no longer adequate to meet the demands for the cost of living. Consequentially, salaries in rural areas are considerably less than salaries of those in metropolitan areas, which impacts sustainability of rural substance use treatment programs.


It is critical to help all people to live to their highest potential, being contributing members of society. People with substance use disorders desperately want to have meaningful long-term recovery and give back to their communities in positive ways. The greatest positive affect would be to include all licensed substance use providers under statute 632.89. These changes may positively affect an increase of professionals in the substance use treatment field, drawing more people into the substance use profession, and incentivize people to work in rural areas.

Sincerely,

Elaine Smits, BSN, RN, SAC-IT  
1701 Dousman Street  
Green Bay, WI 54303  
920-498-8600

Miranda Behnke, MSW, CSW, SAC-IT  
1409 Cleveland Avenue  
Marinette, WI 54143  
715-735-0095

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<b>11)</b>	<b>Authorization</b>	
		<b>01/17/2023</b>
<b>Signature of person making this request</b>		<b>Date</b>
<b>Supervisor (Only required for post agenda deadline items)</b>		<b>Date</b>
<b>Executive Director signature (Indicates approval for post agenda deadline items)</b>		<b>Date</b>

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