



**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 17, 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**

**10:30 A.M.**

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

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of July 18, 2023 (4-5)**
- 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. – 7/1/2027
    - b. Erickson, Terrance C. – 7/1/2025
    - c. Hansen, Shawna R. – 7/1/2026
    - d. Lee Yang, Sheng B. – 7/1/2027
    - 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. – 7/1/2027
    - i. Strait, Tim – 7/1/2025
    - j. Stumbras, Patrick J. – 7/1/2025
    - k. Webster, Christopher J. – 7/1/2027
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (6-34)**
  - 1) Preliminary Rule Draft: MPSW 1 to 20 relating to telehealth (7-28)
  - 2) Discussion: Informed Consent (29)
  - 3) Scope Statement: MPSW 19 Continuing Education (30-31)
  - 4) Scope Statement: MPSW 3 Supervised Practice (32-33)
  - 5) Pending or Possible Rulemaking Projects (34)

**H. 2023 MPSW Examining Board Goals**

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

**J. 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

**K. Public Comments**

**ADJOURNMENT**

**VIRTUAL/TELECONFERENCE**

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

**Virtual, 4822 Madison Yards Way, Madison  
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October 17, 2023**

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

**2023 WISCONSIN ETHICS AND PUBLIC RECORDS LAW FACILITATED TRAINING**

**11:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board may be present; however, no Board business will be conducted.

**NEXT MEETING: 2024 (TO BE DETERMINED)**

\*\*\*\*\*  
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, 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  
JULY 18, 2023**

**PRESENT:** Shawna Hansen, Sheng Lee Yang, Marietta Luster, Lindsey Marsh, Tammy Scheidegger, Andrea Simon, Tim Strait, Patrick Stumbras, Christopher Webster

**EXCUSED:** Cynthia Adell, Terrance Erickson

**STAFF:** Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Brenda Taylor, Board Services Supervisor; and other DSPS Staff

**CALL TO ORDER**

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

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES OF MAY 16, 2023**

**MOTION:** Patrick Stumbras moved, seconded by Marietta Luster, to approve the Minutes of May 16, 2023 as published. Motion carried unanimously.

**10:30 A.M. PUBLIC HEARING – CLEARING HOUSE 23-034 MPSW 1, RELATING TO  
SUBSTANCE USE DISORDER PRACTICE FOR ADVANCED PRACTICE SOCIAL  
WORKERS AND INDEPENDENT SOCIAL WORKERS**

**Review Public Hearing comments and Clearinghouse Report**

**MOTION:** Tammy Scheidegger moved, seconded by Sheng Lee Yang, to accept all Clearinghouse comments for Clearinghouse Rule 23-034 (MPSW 1), relating to substance use disorder practice for Advanced Practice Social Workers and Independent Social Workers. Motion carried unanimously.

**MOTION:** Tammy Scheidegger moved, seconded by Andrea Simon, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Legislative Report and Draft for Clearinghouse Rule 23-034 (MPSW 1), relating to substance use disorder practice for Advanced Practice Social Workers and Independent Social Workers, for submission to the Governor's Office and Legislature. Motion carried unanimously.

## ADMINISTRATIVE RULES MATTERS

### **Discussion: MPSW 19 Continuing Education**

**MOTION:** Andrea Simon moved, seconded by Christopher Webster, to request DSPS staff draft a Scope Statement revising MPSW 19, relating to continuing education. Motion carried unanimously.

### **ADJOURNMENT**

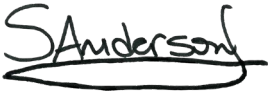
**MOTION:** Patrick Stumbras moved, seconded by Tim Strait, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:30 a.m.

DRAFT

**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> 10/05/2023 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> Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
<b>4) Meeting Date:</b> October 17, 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 to 20 relating to telehealth. 2. Discussion: Informed Consent 3. Scope Statement: MPSW 19 Continuing Education 4. Scope Statement: MPSW 3 Supervised Practice 5. 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 to 20 redlined with comments</li> <li>• Guidance document telehealth and remote supervision</li> <li>• APA Guidelines for informed consent</li> <li>• Scope Statement: MPSW 19 Continuing Education</li> <li>• Scope Statement: MPSW 3 Supervised Practice</li> <li>• MPSW Rule Projects chart</li> </ul>			
<b>11) Authorization</b> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">   <hr/>                 Signature of person making this request             </div> <div style="text-align: center;">                 10/05/2023  <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: 35%;"> <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>			
<b>Directions for including supporting documents:</b> 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.

[MPSW 1.02](#) Definitions.

[MPSW 1.035](#) Rule-making.

[MPSW 1.04](#) Application procedures for all sections of the board.

[MPSW 1.05](#) Examination provisions for all sections.

[MPSW 1.08](#) Credential renewal and reinstatement procedures.

[MPSW 1.09](#) Substance abuse disorder specialty.

[MPSW 1.10](#) Professional liability insurance.

[MPSW 1.11](#) Psychometric testing.

**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 1.035 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 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).

#### **MPSW 1.12. Telehealth practice.**

(1) A person licensed as a clinical social worker, marriage and family therapist, or professional counselor who uses telehealth in the diagnosis and treatment of a patient located in this state shall be licensed to practice by the board.

**Commented [WD1]:** This doesn't capture everyone licensed in MPSW (like ISW, APSW, LPC-it or MFT-it). Thoughts on more inclusive language like in MPSW 20 - a person practicing "under a credential issued under ch. 457, Stats"? Or is this just for the three professions listed?

(2) A person licensed as a clinical social worker, marriage and family therapist, or professional counselor located in this state treating patients via telehealth, who are not physically located in this state at the time of treatment, must comply with the regulations in the state the patient is physically located at the time of treatment.

(3) A person licensed as a clinical social worker, marriage and family therapist, or professional counselor shall be held to the same standards of practice and conduct including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telehealth.

(4) A person, who is not a resident of this state, may perform marriage and family therapy, professional counseling, or social work practice via telehealth in this state for a nonresident for not more than 5 days in any one month or more than 15 days in any one calendar year, if there is a previous established therapeutic relationship with the nonresident, and the person is authorized to perform such services under the laws of the state or country in which the person resides.

**Commented [ASD2]:** Check timeframe with Board.

(5) A person licensed as a clinical social worker, marriage and family therapist, or professional counselor shall be held to the same standards of practice and conduct, including patient confidentiality and recordkeeping, regardless of whether health care services are provided in person or by telemedicine.

(6) A person licensed as a clinical social worker, marriage and family therapist, or professional counselor who provides counseling services by telehealth is responsible for the quality and safe use of equipment and technology that is integral to patient diagnosis and treatment. The equipment and technology used to provide counseling services by telehealth shall provide, at a minimum, information that will enable the licensee to meet or exceed the standard of minimally competent counseling practice.

### **Chapter MPSW 2**

#### **DEFINITIONS FOR PRACTICE OF SOCIAL WORK**

MPSW 2.01 Definitions.

**MPSW 2.01 Definitions.** In chs. MPSW 2 to 6:

(1) "Accredited" means accredited by the council on social work education.

(2) "Certified advanced practice social worker" means a person who holds a certificate under s. 457.08 (2), Stats.

(4) "Certified independent social worker" means a person who holds a certificate under s. 457.08 (3), Stats.

(5) "Certified social worker" means a person who holds a certificate under s. [457.08 \(1\)](#) or [457.09](#), Stats.

(6) "Client" means the individual, group, business, agency, school, organization, or association for whom the social worker provides professional services. The term "client" includes the term and concept of "patient."

(7) "Clinical field training" means a minimum of one academic year in the supervised practice of clinical social work services consisting of assessment; diagnosis; treatment, including psychotherapy and counseling; client-centered advocacy; consultation; and evaluation. "Clinical field training" does not include indirect social work service, administrative, research, or other practice emphasis.

(8) "Clinical social work practice" means providing services for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, to restore, maintain, and enhance social functioning through treatment interventions that include psychosocial evaluation, counseling of individuals, families, or groups, referral to community resources, advocacy, facilitation of organizational change to meet social needs, and individual, marital, or group psychotherapy.

(9) "Clinical social work concentration" means a course of study with a primary focus on resolving intrapsychic and interpersonal problems by means of direct contact with clients at the individual, small group and family level. A concentration on community or organizational problems, social planning or policy development does not constitute a clinical social work concentration. To qualify as a master's or doctoral degree in social work with a concentration in clinical social work, the course of study shall include one course in psychopathology and social work and, from among the following, 2 theory and practice courses:

(a) Case management.

(c) Clinical assessment and treatment of specific populations and problems, such as children, adolescent, elderly, alcohol and drug abuse, family or couples relationships.

(d) Psychopharmacology.

(e) Psychotherapeutic interventions.

(f) Electives such as family therapy, social work with groups, sex- or gender-related issues and topics.

(10) "Counseling" means the process of identifying and providing options for the resolution or mitigation of an undesired circumstance. Counseling characteristically involves the provision of education, support, advice, guidance, or assistance with planning, and other services of a similar character but does not necessarily involve a long term counselor-client relationship.

**(10m) "Face-to-face" means in person or real time video conferencing where all parties can communicate by simultaneous means of audio, video, or data communications.**

(11) "Interpersonal" means between 2 or among 3 or more individuals or groups.

(12) "Intrapsychic" means occurring within one's personality or psyche.

(12m) "Licensed clinical social worker" means a person who holds a license under s. [457.08 \(4\)](#), Stats.

(13) "Primary clinical setting" means a facility, or a unit within a facility, whose primary purpose is to treat persons with a DSM diagnosis.

(15) "Regionally accredited college or university" means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the north central association of colleges and schools, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges.

(16) "Social worker" has the meaning given in s. [457.01 \(10\)](#), Stats., and is interpreted to be a general term describing all persons who hold any certificate or license under s. [458.08](#), Stats., or any rules adopted pursuant to s. [457.03 \(3\)](#), Stats., establishing levels of social work practice.

(17) "Supervised clinical field training" means training in a primary clinical setting which must include at least 2 semesters of field placement where more than 50% of the practice is to assess and treat interpersonal and intrapsychic issues in direct contact with individuals, families or small groups.

(18) "Supervision" means supervision of the professional practice of social work in the applied skills of the profession. [Supervision may be performed in person or remotely by means of audio, video, or data communications.](#)

**Commented [WD3]:** I think we want to check with the board on this and whether they want more definitive language about the supervision being synchronous or not? I remember that being a topic of discussion.

## Chapter MPSW 4

### SUPERVISED PRE-CERTIFICATION AND PRE-LICENSURE SOCIAL WORK PRACTICE

[MPSW 4.01](#) Supervised pre-certification and pre-licensure social work practice.

#### **MPSW 4.01 Supervised pre-certification and pre-licensure social work practice.**

(1) Supervision of pre-certification or pre-licensure practice of social work under s. [457.08 \(3\) \(c\)](#) and [\(4\) \(c\)](#), Stats., shall include the direction of social work practice in face-to-face individual or groups sessions of at least one hour duration during each week of supervised practice of social work. Such supervision may be exercised by a person other than an employment supervisor. The one hour per week supervision requirement may be averaged out over the course of the period of supervision. The supervisor may exercise discretion as to the frequency, duration, and intensity of the supervision sessions to meet an average of one hour supervised session per week during the supervision period. The person supervising the pre-certification or pre-licensure practice of social work shall have adequate training, knowledge and skill to competently supervise any social work service that a social worker undertakes. Supervision of the professional practice of social work in the applied skills of the profession may be exercised by a person other than an employment supervisor. The supervisor may not permit a supervisee to engage in any social work practice that the supervisor cannot competently supervise. All supervisors shall be legally and ethically responsible for the activities of the social work supervisee. Supervisors shall be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases, and to terminate the supervised relationship if necessary.

- (2)** If supervision is provided in group sessions, the group shall consist of no more than 6 persons receiving supervision for every one person providing supervision, and may not credit any time which is primarily social activity with the group or supervisor as part of a supervision session. A supervision session which is provided by more than one supervisor may not be credited for more than the actual time elapsed during the supervision session, not including social activities.
- (3)** A period of supervised practice of social work shall include, but not be limited to, practice in each of the following activities:
- (a)** Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual;
  - (b)** Developing plans or policies to alleviate those difficulties.
  - (c)** Intervention, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.
- (4)** At the end of the period of supervised practice, the candidate for certification shall have demonstrated to the candidate's supervisor competence in each of the activities listed in sub. [\(3\)](#).
- (5)** For applications for licensure as an independent social worker received after November 1, 2002, supervision may be exercised by any of the following:
- (a)** A licensed clinical social worker with a master's or doctorate degree in social work.
  - (b)** A certified independent social worker with a master's or doctorate degree in social work.
  - (c)** An individual, other than an individual specified in par. [\(a\)](#) or [\(b\)](#) who is approved in advance by the social worker section.
- (6)** For applications for licensure as a clinical social worker received after November 1, 2002, supervision may be exercised by any of the following:
- (a)** An individual licensed as a clinical social worker who has received a doctorate degree in social work.
  - (b)** An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.
  - (c)** A psychiatrist or a psychologist licensed under ch. [455](#), Stats.
  - (d)** An individual licensed as a clinical social worker who has received a master's degree in social work.
  - (e)** An individual, other than an individual specified in par. [\(a\)](#), [\(b\)](#) or [\(c\)](#), who is approved in advance by the social worker section.

#### Chapter MPSW 10



## DEFINITIONS FOR PRACTICE OF PROFESSIONAL COUNSELING

### [MPSW 10.01](#) Definitions.

#### **MPSW 10.01** Definitions. In chs. [MPSW 10](#) to [14](#):

(1) "Client" means the individual, family, group, business, agency, school, organization, or association for whom the license holder provides professional services for which the license holder is usually and customarily compensated. The term "client" includes the term and concept of "patient."

(1m) "DSM" refers to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

(2) "Face-to-face" means in person or real time video conferencing where all parties can communicate by simultaneous ~~two-way video and audio transmissions~~ means of audio, video, or data communications.

(5) "Regionally accredited college or university" means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the north central association of colleges and schools, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges. Applicants for licensure shall prove that the college or university at which the applicant completed course work on which the applicant relies for licensure eligibility was regionally accredited at the time the applicant completed the course work.

(6) "Supervision" is a means of transmitting the skills, knowledge, and attitudes of a particular profession to the next generation of that profession. The supervisory relationship is evaluative, extends over time, and enhances the professional functioning of the developing professional. The supervisor shall monitor the quality of services offered by the supervisee with the purpose of enhancing the quality of skills and services provided by the counselor-in-training. Furthermore, the supervisor shall monitor and provide clinical oversight of the professional services rendered by the counselor-in-training to ensure ethical delivery of services and protection of public health and welfare. Supervision may be performed in person or remotely by means of audio, video, or data communications.

## Chapter MPSW 12

### PROFESSIONAL COUNSELOR SUPERVISED PRACTICE

[MPSW 12.01](#) Supervised practice requirement.

[MPSW 12.02](#) Supervised practice.

#### **MPSW 12.01** Supervised practice requirement.

(1) Except as provided in sub. (3), an applicant for licensure as a professional counselor under s. [457.12](#), Stats., shall complete a period of supervised practice while holding a valid professional counselor

training license before being eligible for licensure. Supervision may be exercised by a person other than an employment supervisor.

- (2) A person with a training license must be supervised.
- (3) An applicant who has completed any portion of his or her supervised professional counseling practice in another state shall be given credit for those hours obtained without a professional counselor training license provided the hours meet the requirements of this chapter.

**MPSW 12.02 Supervised practice.**

(1) Supervisor qualifications. It is the applicant's responsibility to satisfy the professional counselors section that the applicant's supervisor met all qualifications, including but not limited to the supervisor holding an active license in this state while supervising the applicant. Supervision of the supervised practice of professional counseling may be exercised by any of the following:

- (a) An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.
- (b) An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling.
- (c) A psychiatrist.
- (d) A psychologist licensed under ch. 455, Stats.
- (e) A person employed by the division of vocational rehabilitation as a vocational rehabilitation supervisor, who is licensed as a professional counselor or who has engaged in the equivalent of 5 years of full-time professional counseling.
- (f) An individual, other than an individual specified in pars. (a) to (e), who is approved in advance by the professional counselor section based upon evidence of 5 years of experience in counseling practice.

(2) Supervisor responsibilities. The supervisor's responsibilities include all of the following:

- (a) Exercise discretion as to the frequency, duration, and intensity of the face-to-face supervision session to meet an average of one hour of supervision per week during the supervised practice period.
- (b) Permit a supervisee to engage in only professional counseling services the supervisor can competently perform.
- (c) Be available or make appropriate provision for emergency consultation or intervention.
- (d) Be legally and ethically responsible for the supervised activities of the supervisee.
- (e) Be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases.
- (f) To terminate the supervised relationship.

**Commented [ASD4]:** I am not sure about this provision (or the language but I can work on that later). This is something that was suggested by the board members at the July meeting, but I am worried that it limits possible out of state supervision, whether in person or virtual.

**Commented [WD5R4]:** I am not sure this adds anything that the statute and code do not already state?

(3) Group supervision requirements. Supervision in group sessions shall meet all of the following:

(a) The group shall consist of no more than 6 persons for every one person providing supervision.

(b) Each person receiving supervision as part of the group session receives one hour credit for each hour that the group meets for supervision, but may not credit any time which is primarily social activity with the group or supervisor as part of a supervision session.

(c) A supervision session for a group or individual which is provided by more than one supervisor may not be credited for more than the actual time elapsed during the supervision session, not including social activities.

## Chapter MPSW 15

### DEFINITIONS FOR PRACTICE OF MARRIAGE AND FAMILY THERAPY

[MPSW 15.01](#) Definitions.

[MPSW 15.02](#) Practice of marriage and family therapy.

**MPSW 15.01 Definitions.** As used in chs. [MPSW 15](#) to [19](#):

(1) "Accredited" means accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy.

(1m) "Face-to-face" means in person or real time video conferencing where all parties can communicate by simultaneous means of audio, video, or data communications.

(2) "Regionally accredited college or university" means a college or university which is accredited by any of the following bodies: the New England association of schools and colleges, the middle states association of colleges and schools, the higher learning commission, the northwest association of schools and colleges, the southern association of colleges and schools, the western association of schools and colleges.

(3) "Supervision" means supervision of the professional practice of marriage and family therapy in the applied skills of the profession. Supervision may be performed in person or remotely by means of audio, video, or data communications.

**MPSW 15.02 Practice of marriage and family therapy.** A licensed marriage and family therapist may practice marriage and family therapy as defined in s. [457.01](#), Stats., without supervision.

**Note:** A licensed marriage and family therapist employed in a certified outpatient mental health clinic is subject to rules of the department of health services regarding supervision.

## Chapter MPSW 16

## REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPY LICENSURE

[MPSW 16.01](#) Application for licensure as a marriage and family therapist.

[MPSW 16.015](#) Application for a marriage and family therapist training license.

[MPSW 16.02](#) Educational equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE.

[MPSW 16.04](#) Supervised Practice.

**MPSW 16.01 Application for licensure as a marriage and family therapist.** An applicant for a marriage and family therapist license shall submit all of the following:

- (1) An application and the fee under s. [440.05](#), Stats.
- (2) Evidence of one of the following:
  - (a) A master's or doctorate degree in marriage and family therapy from a program accredited by COAMFTE.
  - (b) A master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling, or other mental health field that included the course work under s. [MPSW 16.02](#).
  - (c) A degree awarded by a foreign institution of higher learning that has been determined by an organization approved by the section to be equivalent to a degree from a master's or doctoral program accredited by COAMFTE. If the education was not received in English, the applicant shall demonstrate proficiency in English by achieving a passing score on a Test of English as a Foreign Language (TOEFL) examination.
- (3) Evidence the applicant, after receiving a master's or doctorate degree required under sub. (2), engaged in the equivalent of at least 3,000 hours of marriage and family therapy practice, including at least 1,000 hours of face-to-face client contact, while holding a valid marriage and family therapy training license and supervised by a person qualified to supervise under s. [MPSW 16.04](#).
- (4) Verification of passage of an examination approved by the marriage and family therapist section to determine minimum competence to practice marriage and family therapy.
- (5) Documentation necessary for the section to determine, subject to ss. [111.321](#), [111.322](#), and [111.335](#), Stats., whether any of the following apply:
  - (a) The applicant has a pending charge for an exempt offense, as defined in s. [111.335 \(1m\) \(b\)](#), Stats., or a violent crime against a child, as defined in s. [111.335 \(1m\) \(d\)](#), Stats., that is substantially related to the practice of a marriage and family therapist.
  - (b) The applicant has been convicted of a crime substantially related to the practice of a marriage and family therapist.

**MPSW 16.015 Application for a marriage and family therapist training license.**

(1) The marriage and family therapist section shall grant a marriage and family therapist training license to any individual who does all of the following:

(a) Submits a completed, signed application form.

(b) Pays the fee specified in s. [440.05 \(6\)](#), Stats.

(c) Submits evidence satisfactory to the marriage and family therapist section that he or she has done one of the following:

1. Satisfies the requirements in s. [457.10 \(2\)](#), Stats.

2. Is enrolled or will be enrolled in an institute for marriage and family therapy that is approved by the commission on accreditation for marriage and family therapy education of the American Association for Marriage and Family Therapy or by the marriage and family therapist section.

3. Holds a graduate degree in a mental health field approved by the marriage and family therapist section and is enrolled or will be enrolled in a master's or doctoral degree program in marriage and family therapy accredited by the commission on accreditation for marriage and family therapy education or approved by the marriage and family therapist section.

(d) Submits evidence satisfactory to the marriage and family therapist section of one of the following:

1. The applicant is in a position or has an offer for a position as a marriage and family therapist in a supervised marriage and family therapist practice.

2. The applicant is in a position or has an offer for a position in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a supervised marriage and family therapist practice.

(2) A marriage and family therapist training license is valid for 48 months and may be renewed at the discretion of the marriage and family therapist section.

(3) A marriage and family therapist training license authorizes the holder to use any title specified in s. [457.04 \(5\)](#), Stats., and to practice marriage and family therapy within the practice scope of his or her training or supervision during the period in which the license is valid.

**MPSW 16.02 Educational equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE.**

(1) Course work required for education to be substantially equivalent to the course work required for a master's or doctorate degree in marriage and family therapy course work from a program accredited by COAMFTE shall contain all of the following:

(a) At least 6 semester credits or 8 quarter credits in the area of foundations of relational or systemic practice, theories and models.

**(b)** At least 6 semester credits or 8 quarter credits in the area of clinical treatment with individuals, couples and families. This area shall include a focus on evidence based practice and content on crisis intervention.

**(c)** At least 3 semester credits or 4 quarter credits in the area of diverse, multicultural or underserved communities. This area shall include understanding and applying knowledge of diversity, power, privilege, or oppression.

**(d)** At least 3 semester credits or 4 quarter credits in the area of research and evaluation. This area shall include marriage and family therapy research and evaluation methods and evidence-based practice.

**(e)** At least 3 semester credits or 4 quarter credits in the area of professional identity, federal and state law, ethics, and social responsibility.

**(f)** At least 3 semester credits or 4 quarter credits in the area of biopsychosocial health and development across the life span.

**(g)** At least 3 semester credits or 4 quarter credits in the area of systemic assessment and mental health diagnosis and treatment.

**(h)** At least 3 semester credits or 4 quarter credits in the area of contemporary developments which interface marriage and family therapy knowledge and practice with the broader multidisciplinary context.

**(i)** A clinical internship as part of an academic program in marriage and family therapy or a substantially equivalent field. The internship shall consist of a minimum of 300 hours in face-to-face contact with individuals, couples, and families for the purpose of assessment, diagnosis, and treatment under supervision in not less than 8 calendar months.

**(2)** An applicant may, at an institution which was accredited by its regional accrediting association at the time the course was completed, complete credit hours outside the program of studies leading to a master's or doctorate degree in order to meet the requirements in this section.

**(3)** An applicant may, at an institute for marriage and family therapy which was accredited by COAMFTE at the time the course was completed, complete credit hours outside of a program of studies leading to a master's or doctorate degree in order to meet the requirements in this section.

#### **MPSW 16.04 Supervised Practice.**

**(1)** General. An applicant for licensure as a marriage and family therapist under s. [457.10](#), Stats., shall complete, after receiving the required master's or doctorate degree, or upon completion of a graduate degree in a mental health field approved by the marriage and family therapist section, and enrollment in a graduate degree program or other educational program in marriage and family therapy accredited by COAMFTE, 3,000 hours of supervised marriage and family therapy practice, including at least 1,000 hours of face-to-face client contact, while holding a valid marriage and family therapist training license before being eligible for licensure.

**(2)** Supervisor qualifications. Supervision of the supervised practice of marriage and family therapy may be exercised by any of the following:

- (a) An individual licensed as a marriage and family therapist who has received a doctorate degree in marriage and family therapy.
- (b) An individual licensed as a marriage and family therapist who has engaged in the equivalent of 5 years of full-time marriage and family therapy practice.
- (c) A psychiatrist.
- (d) A psychologist licensed under ch. [455](#), Stats.
- (e) A person who is an American Association for Marriage and Family Therapy approved supervisor or supervisor candidate.
- (f) An individual, other than an individual specified in par. (a) to (e), who the marriage and family therapy section approves in advance based upon evidence of experience in marriage and family therapy systems.

**(3) Supervisor responsibilities.** The supervisor's responsibilities include all of the following:

- (a) Provide one hour of face-to-face supervision for each 10 client contact hours.
- (b) Permit a supervisee to engage in only marriage and family therapy services the supervisor can competently perform.
- (c) Be available or make appropriate provision for emergency consultation and intervention.
- (d) Be legally and ethically responsible for the supervised activities of the supervisee.
- (e) Be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases.
- (f) To terminate the supervised relationship.

**(4) Group Supervision Requirements.** Supervision in group sessions, shall meet all of the following:

- (a) The group shall consist of no more than 8 persons for every 1 person providing supervision.
- (b) Each person receiving supervision as part of the group session receives one hour credit for each hour that the group meets for supervision. Time which is not directly case related may not be counted towards the supervision requirement.
- (c) A supervision session for a group or individual which is provided by more than one supervisor may not be credited for more than the actual time elapsed during the supervision session.

## Chapter MPSW 20

### CONDUCT

[MPSW 20.01](#) Definition.

[MPSW 20.02](#) Unprofessional 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., 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.

**Note:** On January 12, 2023, the Joint Committee for the Review of Administrative Rules (JCRAR) adopted a motion under s. [227.26 \(2\) \(d\)](#), Stats., that suspended s. [MPSW 20.02 \(25\)](#). Pursuant to s. [227.26 \(2\) \(f\)](#), Stats., JCRAR introduced 2023 Assembly Bill 3 and Senate Bill 4, in support of the JCRAR suspension.

**(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)** The standards of practice and professional conduct under this chapter apply to a licensee regardless of whether health care service is provided in person or by telehealth.

**Kathleen Miller**  
Chairperson

**Bridget Ellingboe**  
Vice Chairperson

**Candace Coates**  
Secretary

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



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## **TELEHEALTH AND REMOTE SUPERVISION**

In response to questions received during the COVID-19 health emergency, this document aims to clarify the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board's administrative rules as they relate to the provision of telehealth and the appropriate supervision of credential applicant clinical training hours. This document shall expire upon the termination of the public health emergency declared on March 12, 2020, by Executive Order #72.

### **Telehealth**

**Question:** May persons credentialed by the Marriage and Family Therapy, Professional Counseling, and Social Work (MPSW) Examining Board, or authorized to practice in Wisconsin on the basis of Public Health Emergency Order (PHEO) #16 or 2019 Wisconsin Act 185 §105 (6), provide treatment to individuals physically located in Wisconsin via telehealth, or the practice of marriage and family therapy, professional counseling, or social work provided through the use of information exchanged from one site to another via electronic communications including video or audio-only telephone, but not email messages, text messages, facsimile transmission, mail or parcel service, or any combination thereof?

**Answer:** Yes. An individual credentialed by the MPSW Examining Board or authorized to practice in Wisconsin under PHEO #16 or Act 185 §105 (6) may provide treatment to individuals physically located in Wisconsin via telehealth so long as the treatment is within the scope of practice of the provider and complies with the standards of professional conduct established under MPSW 20. Individuals practicing under the authority of PHEO #16 or Act 185 must apply for a temporary credential within 10 days of beginning practice and must carry professional liability insurance in compliance with § MPSW 1.10. The healthcare facility in which the individual is to practice must demonstrate that the individual is needed to ensure the continued and safe delivery of healthcare services. The healthcare facility must notify the board within 5 days of the individual beginning practice.

### **Supervision of Credential Applicant Training Hours**

**Question:** May applicants for a credential or specialty issued by the MPSW Examining Board satisfy required supervised clinical training hour requirements through the use of remote supervision methods?

**Answer:** Yes. The MPSW Examining Board will allow the use of remote supervision methods, such as Skype, in lieu of in-person supervision. This is true so long as the supervisor meets the supervisor qualifications requirements under existing board rules, the treatment is within the scope of practice of the provider and complies with the standards of professional conduct established under MPSW 20, and the supervisor is closely monitoring and able to interrupt the supervisee and stop the session if necessary.

**APA Guidelines for informed consent for psychologists from the Ethical Principles of Psychologists and Code of Conduct**

(<https://www.apa.org/ethics/code>)

**3.10 Informed Consent**

(a) When psychologists conduct research or provide assessment, therapy, counseling, or consulting services in person or via electronic transmission or other forms of communication, they obtain the informed consent of the individual or individuals using language that is reasonably understandable to that person or persons except when conducting such activities without consent is mandated by law or governmental regulation or as otherwise provided in this Ethics Code. (See also Standards [8.02, Informed Consent to Research](#) ; [9.03, Informed Consent in Assessments](#) ; and [10.01, Informed Consent to Therapy](#) .)

(b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.

(c) When psychological services are court ordered or otherwise mandated, psychologists inform the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.

(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards [8.02, Informed Consent to Research](#) ; [9.03, Informed Consent in Assessments](#) ; and [10.01, Informed Consent to Therapy](#) .)

**10.01 Informed Consent to Therapy**

(a) When obtaining informed consent to therapy as required in Standard [3.10, Informed Consent](#) , psychologists inform clients/patients as early as is feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and provide sufficient opportunity for the client/patient to ask questions and receive answers. (See also Standards [4.02, Discussing the Limits of Confidentiality](#) , and [6.04, Fees and Financial Arrangements](#) .)

(b) When obtaining informed consent for treatment for which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards [2.01e, Boundaries of Competence](#) , and [3.10, Informed Consent](#) .)

(c) When the therapist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.

# STATEMENT OF SCOPE

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

Rule No.: MPSW 19

Relating to: Continuing Education

Rule Type: Permanent

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

N/A

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

The Board would like to review the continuing education providers and programs to eliminate duplicate entries and potentially update the list of programs and providers. The Board may also perform a comprehensive review of chapter MPSW 19 in order to ensure that the language is up to date with current standards of practice.

### 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 Board has identified the need to update the list of programs and providers for continuing education to reflect the current practices and current organizations offering continuing education programs.

The alternative to promulgating rules would be to not update the rules. This would leave the rules as they are, which could create confusion with stakeholders.

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

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

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

Section 457.22 (1), Stats., provides that an examining board may “[u]pon the advice of the social worker section, promulgate rules establishing requirements and procedures for social workers, advanced practice social workers, independent social workers, and clinical social workers to complete continuing education programs or courses of study in order to qualify for renewal. [...] Upon the advice of the marriage and family therapist section, promulgate rules establishing requirements and procedures for marriage and family therapists to complete continuing education programs or courses of study in order to qualify for renewal. [...] Upon the advice of the professional counselor section, promulgate rules establishing requirements and procedures for professional counselors to complete continuing education programs or courses of study in order to qualify for renewal.”

**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:**

Marriage and Family therapists, Professional Counselors, Social Workers, Advanced Practice Social Workers, Independent Social Workers, and Licensed Clinical 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](mailto:DSPSAdminRules@wisconsin.gov), (608) 261-4463

Approved for publication:

Approved for implementation:

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Authorized Signature

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Authorized Signature

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Date Approved

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Date Approved

# STATEMENT OF SCOPE

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

Rule No.: MPSW 3

Relating to: Supervised Practice

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 this rule is to review the requirements in chapter MPSW 3 for supervised practice to clarify provisions and inconsistencies with the Statutes. The Board may also perform a comprehensive review of this chapter in order to ensure that the language is up to date with current standards of practice.

### 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 social worker section found inconsistencies between the training hour requirements in-state and out-of-state for licensed clinical social workers, and between the requirements in the Statutes for independent social workers and the Administrative Code.

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):

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

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

Section 457.03 (1), Stats., provides that the examining board can “[u]pon the advice of the social worker section [...] promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker...”

### 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

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

Licensed Clinical 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](mailto:DSPSAdminRules@wisconsin.gov), (608) 261-4463

Approved for publication:

Approved for implementation:

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Authorized Signature

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**MPSW Examining Board**  
**Rule Projects (updated 10/05/2023)**

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.	Drafting Rule	EIA Comment Period and submission to Clearinghouse
23-034	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.	Legislative Review	If there are no objections, rule can be adopted.
			MPSW 3	Supervised Practice	The SW section found inconsistencies between the training hour requirements in-state and out-of-state for licensed clinical social workers, and between the requirements in the Statutes for independent social workers and the Administrative Code.	Scope requested at the July meeting and ready to be reviewed at the October meeting	Submit scope to the Governor's office for review and, after approval, for publication in the Register.
			MPSW 19	Continuing Education	The Board would like to review the continuing education providers and programs to eliminate duplicate entries and potentially update the list of programs and providers.	Scope requested at the July meeting and ready to be reviewed at the October meeting	Submit scope to the Governor's office for review and, after approval, for publication in the Register.