



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

**Room 121B, 1400 East Washington Avenue, Madison
Contact: Dan Williams (608) 266-2112
May 16, 2018**

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 record of the actions of the Board.

1:45 P.M.

AGENDA

CALL TO ORDER – ROLL CALL – OPEN SESSION

- A. Adoption of the Agenda (1-2)**
- B. Administrative Matters – Discussion and Consideration**
 - 1. Staff Updates
 - 2. Board Member – Term Expiration Date
 - a. Bridget Ellingboe – 7/1/2020
 - b. Peter Fabian – 7/1/2018
 - c. Alice Hanson-Drew – 7/1/2013
 - d. Linda Pellmann – 7/1/2019 (*reappointed, not yet confirmed*)
 - e. Allison Gordon – 7/1/2018
 - f. Tammy Scheidegger – 7/1/2020 (*appointed, not yet confirmed*)
 - g. Kathleen Miller – 7/1/2021 (*reappointed, not yet confirmed*)
 - h. Monica Vick – 7/1/2019 (*appointed, not yet confirmed*)
 - i. Elizabeth Krueger – 7/1/2020 (*reappointed, not yet confirmed*)
 - j. Kristin Koger – 7/1/2018
 - k. Gregory Winkler – 7/1/2019 (*reappointed, not yet confirmed*)
 - l. SOC Public Member – Vacancy
 - m. Advanced Practice Social Worker – Vacancy
- C. Legislative and Administrative Rule Matters – Discussion and Consideration (3-7)**
 - 1. Scope to create MPSW 1.09 Relating to Substance Use Disorder Specialty.
 - 2. Adoption of CR 17-084 Relating to Continuing Education Audits
 - 3. Update Legislation and Pending or Possible Rulemaking Projects
- D. Public Comments**

ADJOURNMENT

NEXT SCHEDULED MEETING: JUNE 26, 2018.

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 8 May 2018 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling and Social Work Examining Board			
4) Meeting Date: 16 May 2018	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Scope to create MPSW 1.09 Relating to Substance Use Disorder Specialty. 2. Adoption of CR 17-084 Relating to Continuing Education Audits	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<p style="font-size: 1.2em; font-family: cursive;"><i>Sharon Henes</i></p>			
Signature of person making this request			Date
Supervisor (if required)			Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

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

Rule No.: MPSW 1.09

Relating to: Substance Use Disorder Specialty

Rule Type: Emergency and Permanent

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

2017 Act 262, section 34 repealed MPSW 1.09 of the administrative code. Assembly Bill 907, as introduced, initially included a repeal of s. 457.02 (5) and (5m) and the repeal of MPSW 1.09, as MPSW 1.09 was promulgated under the authority of s. 457.02 (5m). However, a subsequent amendment to the bill reinserted and amended s. 457.02 (5) and (5m) but did not reinsert MPSW 1.09. Assembly Bill 907 passed with these amendments to become 2017 Act 262. 2017 Act 262 authorizes individuals certified under chapter 457 to treat substance use disorder as a specialty if the individual satisfies the educational and supervised training requirements established in rules promulgated by the examining board. Therefore, the examining board needs to establish the educational and supervised training requirements for those who specialize in treating substance use disorder in order to fully implement 2017 Act 262.

In recognition of Wisconsin experiencing the opioid epidemic and with a shortage of individuals to treat substance use disorders, the Board finds it necessary to promulgate emergency rules to preserve the public health, safety and welfare.

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

The object is to promulgate rules establishing educational and supervised training requirements for individuals certified by the Board to treat substance use disorders.

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 proposes to establish educational and supervised training requirements for individuals certified under chapter 457. The Board will consider the new requirements for qualifying as a certified substance abuse counselor, clinical supervisor or prevention specialist under s. 440.88.

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

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

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

shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88.

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

60 hours

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

Social Workers, Advanced Practice Social Workers, Independent Social Workers and individuals working under a Social Worker Training Certificate.

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: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Authorized Signature

Date Submitted

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

IN THE MATTER OF RULEMAKING : 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

The Marriage and Family Therapy, Professional Counseling and Social Work
Examining Board is petitioning the Joint Committee for Review of Administrative
Rules to repeal a rule the Marriage and Family Therapy, Professional Counseling
and Social Work Examining Board has determined to be an unauthorized rule
using the process under s. 227.26 (4), Stats.

ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work
Examining Board to repeal MPSW 19.05 (2) relating to continuing education audits.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 457.22, Stats.

Statutory authority: ss. 440.035 (2) and 457.22, Stats.

Explanation of agency authority:

2017 Act 59 created ss. 440.035 (2), allowing an examining board to require a credential holder
to submit proof of the continuing education programs or courses that he or she has completed
only if a complaint is made against the credential holder. [s. 440.035 (2), Stats.]

Upon the advice of the individual sections, the board may promulgate rules establishing
requirements and procedures for the credential holders to complete continuing education
programs or courses of study in order to qualify for renewal. [s. 457.22, Stats.]

Related statute or rule: MPSW ch. 19

Plain language analysis:

MPSW 19.05 (2) allows the sections to conduct audits or investigations, including random
audits, to determine continuing education compliance by credential holders. 2017 Act 59

removed the authority for the sections of the examining board to conduct continuing education audits.

MPSW 19.05 (1) maintains the record keeping requirement that credential holders shall make available to the board or its agent upon request proof of continuing education. The MPSW 19.05 (1) provision retains the ability for the board to request proof of continuing education if a complaint is received.

Therefore, the board has determined that MPSW 19.05 (2) is an unauthorized rule and seeks its repeal under s. 227.26 (4).

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. MPSW 19.05 (2) is repealed.

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

(END OF TEXT OF RULE)

Dated _____

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