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

**Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison**

**Contact: Yolanda Y. McGowan (608) 266-2112**

**March 18, 2019**

*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**

**12:00 P.M.**

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

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

**B. Approval of Minutes of July 24, 2018 (4-6)**

**C. 12:00 P.M. PUBLIC HEARING: Clearinghouse Rule 18-098 and EmR 1835 Relating to Substance Use Disorder Specialty (7)**

1) Review and Respond to Public Hearing Comments and Clearinghouse Report (8-17)

**D. 12:00 P.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 003-19 – MPSW 16 Relating to Education Equivalent to a Graduate Degree in Marriage and Family Therapy (18-19)**

**E. 12:00 P.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 004-19 – MPSW 3 Relating to Practice Requirements for Clinical Social Workers (20-21)**

**F. 12:00 P.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 005-19 – MPSW 3, 11, and 16 Relating to Discrimination Based on Arrest or Conviction Record (22-23)**

**G. Administrative Matters – Discussion and Consideration (24-26)**

- 1) Election of Officers
- 2) Appointment of Liaisons and Alternates
- 3) Delegation of Authorities
- 4) Staff Updates
- 5) Board Member – Term Expiration Date
  - a. Bridget Ellingboe – 7/1/2020
  - b. Peter Fabian – 7/1/2018
  - c. Allison Gordon – 7/1/2018
  - d. Alice Hanson-Drew – 7/1/2013
  - e. Kristin Koger – 7/1/2022
  - f. Elizabeth Krueger – 7/1/2020

- g. Kathleen Miller – 7/1/2021
- h. Tammy Scheidegger – 7/1/2020
- i. Todd Tedrow – 7/1/2023
- j. Gregory Winkler – 7/1/2019
- k. Professional Counselor/Public Member – Vacant
- l. Social Work/Public Member – Vacant
- m. Marriage and Family Therapist Member – Vacant

**H. Legislative and Administrative Rules Matters – Discussion and Consideration (27)**

- 1) 2017 Wisconsin Act 108 Report (28-54)
- 2) Updates on Legislation and Pending or Possible Rulemaking Projects

**I. Board Goals for 2019 – Discussion and Consideration**

**J. Board Review of the Wisconsin Occupational Licensing Study Legislative Report – Discussion and Consideration (55-139)**

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

**L. Deliberation on Items Added After Preparation of Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Motions
- 16) Petitions
- 17) Appearances from Requests Received or Renewed
- 18) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**M. Public Comments**

**ADJOURNMENT**

**NEXT SCHEDULED MEETING: APRIL 16, 2019**

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by

the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK EXAMINING BOARD  
MEETING MINUTES  
JULY 24, 2018**

**PRESENT:** Bridget Ellingboe, Peter Fabian, Allison Gordon (*via GoToMeeting*), Alice Hanson-Drew (*via GoToMeeting*), Kristin Koger, Elizabeth Krueger (*via GoToMeeting*), Kathleen Miller (*via GoToMeeting*), Linda Pellmann, Tammy Scheidegger, Monica Vick (*via GoToMeeting*), Gregory Winkler

**STAFF:** Dan Williams, Executive Director; Sharon Henes, Administrative Rules Coordinator; Kate Stolarzyk, Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Bridget Ellingboe, Chair, called the meeting to order at 10:22 a.m. A quorum of eleven (11) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Gregory Winkler moved, seconded by Tammy Scheidegger, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES FROM MAY 16, 2018**

**MOTION:** Linda Pellmann moved, seconded by Kristin Koger, to approve the minutes from May 16, 2018 meeting as published. Motion carried unanimously.

**LEGISLATION AND ADMINISTRATIVE RULE MATTERS**

**Scope for MPSW 1, 3, and 5, Relating to Exams**

**MOTION:** Tammy Scheidegger moved, seconded by Linda Pellmann, to approve the Scope Statement revising MPSW 1, 3, and 5, relating to exams, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

**Scope for MPSW 3, Relating to Practice Requirement for Licensure as a Clinical Social Worker**

**MOTION:** Gregory Winkler moved, seconded by Tammy Scheidegger, to approve the Scope Statement revising MPSW 3, relating to practice requirements for licensure as a Clinical Social Worker, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

*Monica Vick was excused at 10:30 a.m.*  
*Monica Vick reentered via teleconference at 10:31 a.m.*  
*Monica Vick was excused at 10:32 a.m.*

**Scope for MPSW 3, 11, and 16, Relating to Licensure Conviction Determinations**

**MOTION:** Kathleen Miller moved, seconded by Peter Fabian, to approve the Scope Statement revising MPSW 3, 11, and 16, relating to licensure conviction determinations, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

**Scope to MPSW 16, Relating to Equivalency Courses**

**MOTION:** Peter Fabian moved, seconded by Kristin Koger, to approve the Scope Statement revising MPSW 16, relating to equivalency courses, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

**Adoption of CR 17-079, Relating to Internship and Courses**

**MOTION:** Tammy Scheidegger moved, seconded by Kathleen Miller, to approve the Adoption Order for Clearinghouse Rule 17-079, relating to internship and courses. Motion carried unanimously.

**Adoption of CR 17-080, Relating to Renewal and Reinstatement**

**MOTION:** Kristin Koger moved, seconded by Linda Pellmann, to approve the Adoption Order for Clearinghouse Rule 17-080, relating to renewal and reinstatement. Motion carried unanimously.

**MPSW 1.09, Relating to Substance Use Disorder Specialty**

**MOTION:** Peter Fabian moved, seconded by Gregory Winkler, to request DSPS staff to draft an emergency and permanent rule based on SPS 161 requirements for the CSW and CISW credentials and the former MPSW 1.09(2) for APSW credentials and authorize the Chair to approve the emergency rule relating to Substance Use Disorder Specialty, for emergency rule submission to the governor, publication in an official newspaper and for the permanent rule posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**MOTION:** Gregory Winkler moved, seconded by Linda Pellmann, to appoint Elizabeth Krueger as a Substance Use Disorder Specialty liaison for decisions relating

to Substance Use Disorder Specialty authorizations. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Gregory Winkler moved, seconded by Peter Fabian, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:19 p.m.

DRAFT

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Sharon Henes Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b> 5 March 2019 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> 18 March 2019	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Public Hearing on Clearinghouse Rule 18-098 and EmR 1835 relating Substance Use Disorder Specialty a. Review and respond to Clearinghouse Report and Public Hearing comments  Preliminary Public Hearing on Statement of Scope SS 003-19 – MPSW 16 Relating to Education Equivalent to a Graduate Degree in Marriage and Family Therapy.  Preliminary Public Hearing on Statement of Scope SS 004-19 – MPSW 3 Relating to Practice Requirements for Clinical Social Workers  Preliminary Public Hearing on Statement of Scope SS 005-19 – MPSW 3, 11, 16 Relating to Discrimination Based on Arrest or Conviction Record.							
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>						
<b>10) Describe the issue and action that should be addressed:</b> Hold Public Hearing at 12:00 p.m..  Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.									
<b>11) Authorization</b>  <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <i>Sharon Henes</i> </div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black; padding-bottom: 5px;">Signature of person making this request</td> <td style="width: 30%; border-bottom: 1px solid black; padding-bottom: 5px;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black; padding-bottom: 5px;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				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	
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									
<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.									

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

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IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY,	:	PROFESSIONAL COUNSELING, AND
PROFESSIONAL COUNSELING, AND	:	SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 18-098)

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PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to create MPSW 1.09 relating to substance use disorder specialty authorization.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 440.88 and 457.02 (5) and (5m), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 457.02 (5m), Stats.

**Explanation of agency authority:**

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

The board establishes the educational and supervised training requirements in rules promulgated by the board to authorize an individual who is certified or licensed by the board to treat alcohol or substance dependency or abuse as a specialty. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying for a credential under s. 440.88, Stats. [s. 457.02 (5m), Stats.]

**Related statute or rule:** chs. SPS 160 to 168

**Plain language analysis:**

This rulemaking order creates the educational and supervised training requirements for a person certified by the board to treat alcohol or substance dependency as a specialty. The board utilizes

the DSM V term substance use disorder rather than the previous DSM IV terms of dependence and abuse.

The first subsection delineates the use of the title and scope of practice. If a person who is certified by the board wants to treat substance use disorder as a specialty, without being credentialed under s. 440.88, Stats., the person must meet the requirements in this section.

The second subsection recognizes that a credential holder who holds an advanced practice social worker credential would have received education in treatment, therefore, a minimum of 135 contact hours of substance use disorder education is required to supplement that education in four subject matter areas (understanding addiction; knowledge of addiction treatment; application to addiction practice; and professional readiness in addiction treatment). The credential holder would also be required to have 200 hours of supervised face-to-face client treatment. The education could be obtained in the course of earning the master's degree or in the addition of the degree. The 200 hours of supervised training may be obtained during or separately from the hours required to obtain the underlying credential. An advanced practice social worker certification is utilized while obtaining supervised experience hours for the clinical social worker license. Therefore, it is a similar credential to the professional counselor-in-training and marriage and family therapist-in-training licenses. Under 2017 Act 262 the two training licenses are not required to hold a specialty authorization or additional credential.

The third subsection provides the requirements for the remaining credentials certified under ch. 457, Stats. The requirements include 360 contact hours of substance use disorder education. The education must include assessment training, counseling training, case management, patient education, professional responsibility, and boundaries and ethics. The education could be obtained in the course of earning of the bachelor's degree or in addition to the degree. In addition, the individual must complete a minimum of 3,000 hours of face-to-face substance use disorder treatment experience. The 3,000 hours of supervised training may have been obtained during or separately from the hours required to obtain the underlying credential.

The fourth subsection indicates the qualifications for a person who is supervising the person obtaining the training for the specialty. The following people are qualified, provided they have knowledge in psychopharmacology and addiction treatment: a licensed marriage and family therapist, a licensed professional counselor, a licensed clinical social worker, a licensed psychologist, a licensed physician, a clinical supervisor as defined by SPS 160.02 (7), or another individual approved in advance of the supervising by the board.

The fifth subsection indicates that at least 6 continuing education hours in substance use disorder must be obtained during each biennial credentialing period. This continuing education may be counted toward the continuing education required for the renewal of the underlying credential.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

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

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

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

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

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

The Board considered the requirements for qualifying for a credential under s. 440.88, Stats, *Scopes of Practice & Career Ladder for Substance Use Disorder Counseling* (September 2011) by Substance Abuse and Mental Health Services Administration and U.S. Department of Health and Human Services and the Technical Assistance Publication Series *Addiction Counseling Competencies* (March 2008) by Substance Abuse and Mental Health Services Administration

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

This rule was posted for economic comments and none were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must

be received at or before the public hearing to be held on March 18, 2019 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. MPSW 1.09 is created to read:

**MPSW 1.09 (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 he or she 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.** To be authorized to treat substance use disorder as a specialty an advanced practice social worker shall meet all of the following:

(a) A minimum of 135 contact hours in 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.** To be authorized to treat substance use disorder as a specialty an individual certified under ss. 457.08 (1) or (3), 457.09 (1) or 457.14 (1) (a) or (c), Stats. shall meet all of the following:

(a) A minimum of 360 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. Sixty hours in assessment training.
2. Sixty hours in counseling training.
3. Sixty hours in case management.
4. Sixty hours in patient education.
5. Sixty hours in professional responsibility.
6. Six hours in boundaries and ethics.

7. Fifty-four hours in electives in any of the subjects in subd. 1. to 6.

(b) A minimum of 3,000 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 by 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.

**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.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> 14 December 2018
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> MPSW 1.09	
<b>4. Subject</b> Substance Use Disorder Specialty Authorization	
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b> 20.165(1)(g)
<b>7. Fiscal Effect of Implementing the Rule</b> <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$0.00	
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> 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.	
<b>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.</b> This rule was posted for economic comments and none were received.	
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> None	
<b>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</b> This rule will not have an economic or fiscal impact.	
<b>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</b> The benefit of implementing the rule is allowing individuals certified under chapter 457 to treat substance use disorder as a specialty. The statutes require the educational and supervised training requirements to allow this specialty authorization to be established by rule.	
<b>16. Long Range Implications of Implementing the Rule</b> The long range implication of implementing the rule is creating greater access to treatment for people with substance use disorder.	

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

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17. Compare With Approaches Being Used by Federal Government  
None

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Our surrounding states do not have educational or training requirements for social workers to specialize in substance use disorder treatment.

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19. Contact Name  
Sharon Henes

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20. Contact Phone Number  
(608) 261-2377

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Acting Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE RULE 18-098

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]**

#### **1. Statutory Authority**

In the rule summary’s explanation of agency authority, it appears that the description of s. 457.02 (5m), Stats., should be updated to reflect the current language. Also, consider explaining the board’s authority to allow a person who is certified by the board under that provision to use certain titles. A different statute, s. 440.88 (5), Stats., specifies that only specific department-certified counselors may represent themselves as a substance abuse counselor or use a title or description that conveys that impression. Could the titles allowed under s. MPSW 1.09 (1) (a) be considered as conveying that impression for a person certified by the board rather than by the department? Consider either revising the allowable titles to more closely align to the phrasing in s. 457.02 (5m), Stats., such as “substance use disorder specialist”, or explaining how the titles can be differentiated from the titles allowed in s. 440.88 (5), Stats., for a department-certified counselor.

#### **2. Form, Style and Placement in Administrative Code**

a. Consider placing the new rule section that is created in the proposed rule within ch. MPSW 6, rather than within ch. MPSW 1. The subject matter and provisions appear to fit better in the context of ch. MPSW 6, relating to authorized social worker practice, rather than ch. MPSW 1, relating to general application and examination procedures.

b. A title should be inserted for s. MPSW 1.09, such as “Substance use disorder specialty”. [s. 1.05 (2) (b), Manual.]

c. In s. MPSW 1.09 (3) (intro.), the abbreviation “ss.” should be revised to “s.”. The list of statutes is in the disjunctive (“or”), and is therefore treated as a singular reference.

d. In the rule summary’s analysis and supporting documents used to determine the effect on small business, an entry should be inserted.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. MPSW (1) (a), a comma should be inserted after the citation to “Stats.”.

b. In s. MPSW 1.09 (1), consider revising pars. (b) and (c) to better identify any distinction between the two paragraphs. Is the authorization under par. (c) to prepare and continue working with a client intended to be in addition to the authorization in par. (b) to “treat” substance use disorder?

c. In s. MPSW 1.09 (1) (c) 1., what is meant by “prepare... by referral”? Does this mean that the practitioner may prepare a client for treatment that is provided by another practitioner? Or that a practitioner may refer a client for treatment and prepare the client for that treatment? Consider revising this provision to clearly identify the intended authorization.

d. In s. MPSW 1.09 (1) (c) 2. and 3., both instances of the phrase “continue to” are used in reference to the authority of an individual who has been certified by the board to work with, or treat, an individual for substance use disorder. This language may be ambiguous in some cases. Is it intended to apply when the treatment is first initiated? It could be clearer if the words “continue to” are removed, so that the provisions begin with “Work” and “Treat”.

e. In s. MPSW 1.09 (2) (intro.), it appears that a comma should be inserted after the word “specialty”.

f. In s. MPSW 1.09 (2) (a) (intro.), consider revising the word “in” to the word “of”.

g. Both s. MPSW 1.09 (2) (b) and (3) (b) use the word “supervision”, but that term is not defined for purposes of ch. MPSW 1. Consider whether the definition in s. MPSW 2.01 (18), for that term, is appropriate, and whether the definition should be made to apply to the proposed rule. If the proposed rule is moved to another chapter within chs. MPSW 2 to 6, the current definition would apply unless a different definition is specified.

h. In s. MPSW 1.09 (3) (intro.), it appears that a comma should be inserted after the word “specialty”. Also, a comma should be inserted after the citation to “Stats.”.

i. In s. MPSW 1.09 (2) (a) 3., the words “Application to addiction practice” are used in reference to a required educational topic. This language may be ambiguous in some cases. What does “application” refer to in the context? Consider revising this provision to clearly identify the required topic.

# STATEMENT OF SCOPE

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

**Rule No.:** MPSW 16.01 and 16.02

**Relating to:** Education equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE

**Rule Type:** Both Emergency and Permanent

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

The Board finds that an emergency rule is necessary for the immediate preservation of the health, safety or welfare.

CR 16-008 contained an initial applicability date for Section 3, which recreated s. MPSW 16.02, to first apply to licensure applications that are received on or after October 1, 2019. The delayed initial applicability was put into place in order to allow students currently in educational programs to meet the educational standards without taking different or additional courses. CR 16-008 went into effect on February 1, 2018 with s. MPSW 16.02 reflecting the new educational equivalence standards which are not intended to be required until October 1, 2019.

An emergency rule is necessary to delineate which equivalency education standards are required for applications received before and after October 1, 2019 in order to alleviate confusion for applicants and schools.

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

The objective of the proposed rule is to indicate that the educational equivalency courses in s. MPSW 16.02 prior to CR 16-008 are required until October 1, 2019 and that the educational equivalency courses contained in CR 16-008 are required after October 1, 2019.

In addition, the proposed rule will clarify that courses taken outside of the degree can count towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy.

### 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 clarification of the effective dates for the educational equivalence standards does not create new policy.

In addition, this rule will clarify courses taken outside of the master's or doctorate program are allowed to obtain the program equivalency. Failing to allow additional courses to be taken to obtain the equivalency will create a barrier for some people to come into the profession.

### 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.

§ 457.03 (1) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor 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, marriage and family therapist, or professional counselor under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.

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

75 hours

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

Applicants and schools, including schools or the Family Therapy Training Institute (accredited by COAMFTE) offering education equivalent to a degree in marriage and family therapy.

**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 to minimal. It is not likely to have a significant economic impact on small businesses.

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

  
Authorized Signature

7/24/18  
Date Submitted

# STATEMENT OF SCOPE

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

Rule No.: MPSW 3

Relating to: Practice Requirement for Licensure as a Clinical Social Worker

Rule Type: Permanent

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

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

The objective of the rule is to remove the licensure requirement for clinical social workers to complete the 3,000 hours of supervised practice within 2 years and to establish the number of face-to-face hours required for diagnosis and treatment of individuals based upon the Diagnostic and Statistical Manual of Mental Disorders (DSM) or its equivalent.

**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 current rule contains a requirement that an applicant for a clinical social worker license must complete their 3,000 hours supervised clinical social work practice in no less than 2 years, including at least 1,000 hours of face-to-face client contact and including DSM diagnosis and treatment of individuals.

The Legislature enacted 2001 Act 80 which removed the 2 year requirement and inserted the 3,000 hours requirement. This rule would remove the 2 year requirement to be consistent with the statutory threshold.

2017 Act 356 created a statutory requirement for the 1,000 hours of face-to-face client contact to include the diagnosis and treatment of individuals based on the applicable edition of the DSM or its equivalent. The Act also authorizes the Board to establish how many of the 1,000 hours, not to exceed 600 hours, are required for the diagnosis and treatment of individuals based on DSM to qualify for licensure.

**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.

457.03 (1) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor 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, marriage and family therapist, or professional counselor under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.

457.03 (3) Upon the advice of the social worker section, promulgate rules establishing levels of social work practice for individuals with master's or doctoral degrees in social work, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) and (3), and establishing appropriate educational, training, experience, examination, and continuing education requirements for certification



# STATEMENT OF SCOPE

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

Rule No.: MPSW 3, 11, 16

Relating to: Discrimination based on arrest or conviction record

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to bring the Board's licensing requirements into compliance with 2017 Act 278.

**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 intends to update the licensing requirement rules for all credentials issued under ch. 457 in order to be in compliance with 2017 Act 278 as it relates to discrimination in licensing based upon an arrest or conviction record.

**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.

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

50 hours

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

Marriage and Family Therapist, Professional Counselor and Social Worker applicants.

**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 to minimal. The rule is not likely to have a significant economic impact on small businesses.

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

R. J. DeLorenzo (D.J.)  
Department Head or Authorized Signature

7/24/18  
Date Submitted

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Maximilian Turner, Bureau Assistant		<b>2) Date When Request Submitted:</b> 1/16/19 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> 1/29/2019	<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 Matters: 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> 1) The Board should conduct Election of its Officers for 2019 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate, the Board should affirm appointments by motion 3) The Board should review and then consider continuation or modification of previously delegated authorities			
<b>11) Authorization</b>			
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			
<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.			

## MPSW EXAMINING BOARD

### 2018 Elections and Liaison Appointments

2018 OFFICER ELECTION RESULTS	
<b>Board Chair</b>	Bridget Ellingboe
<b>Vice Chair</b>	Kristin Koger
<b>Secretary</b>	Kathleen Miller
2018 LIAISON APPOINTMENTS	
<b>Specialty Liaison</b>	Peter Fabian

### DELEGATION MOTIONS

#### *Delegated Authority for Urgent Matters*

**MOTION:** Kathleen Miller moved, seconded by Kristin Koger, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority to the Chair to appoint liaisons to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

#### *Document Signature Delegation*

**MOTION:** Allison Gordon moved, seconded by Linda Pellmann, the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

#### *Specialty Liaison*

**MOTION:** Allison Gordon moved, seconded by Kathleen Miller, the Specialty Liaison is delegated by the Board to address all issues pertaining to a Specialty designation. Motion carried unanimously.

*Specialty Liaison Motion Made at 7/24/2018 Meeting*

**MOTION:** Gregory Winkler moved, seconded by Linda Pellmann, to appoint Elizabeth Krueger as a Substance Use Disorder Specialty liaison for decisions relating to Substance Use Disorder Specialty authorizations. Motion carried unanimously.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Sharon Henes Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b> 5 March 2019 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
<b>4) Meeting Date:</b> 18 March 2018	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislative and Administrative Rule Matters 1. 2017 Act 108 Report 2. Updates on Legislation and Pending or Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>			
<b>11) Authorization</b>			
<i>Sharon Henes</i>		<i>3/5/19</i>	
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	
<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.			

## 2017 Act 108 Reports

Please review your section's rules to identify any that are obsolete, unnecessary or are economically burdensome and be prepared to discuss. All of the MPSW rules are located in the MPSW Examining Board agenda materials.

**227.29 Agency review of rules and enactments (1)** By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

- (a) Unauthorized rules, as defined in s. [227.26 \(4\) \(a\)](#), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.
- (b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.
- (c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.
- (d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.
- (e) Rules that the agency determines are economically burdensome.

## 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 1.06	Examination review procedure for all sections of the board.
MPSW 1.07	Claims of examination error.
MPSW 1.08	Credential renewal and reinstatement procedures.
MPSW 1.10	Professional liability insurance.
MPSW 1.11	Psychometric testing.

**Note:** Chapter SFC 1 was created as an emergency rule effective April 26, 1993.

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

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

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93.

**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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (intro.), Register, May, 1999, No. 521, eff. 6-1-99; CR 02-105: am. (intro.), (1), (3), cr. (1q), (2m), Register October 2002 No. 562, eff. 11-1-02; CR 04-044: renum. (1) to be (1g), cr. (1), (2d) and (2h) Register January 2005 No. 589, eff. 2-1-05; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2015 No. 710.

**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.

**History:** CR 15-082: cr. Register December 2016 No. 732, eff. 1-1-17.

**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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (2), Register October 2002 No. 562, eff. 11-1-02; CR 15-082: renum. (1) to 1.04, r. (2) Register December 2016 No. 732, eff. 1-1-17.

**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.

(3) The examination process consists of a 2 part examination. Part I is an examination pertaining to the profession; part II is an examination on provisions of the Wisconsin Statutes and Administrative Code that pertain to the profession. Parts I and II of the examination administered under this chapter test entry level competency in the practice area for which the credential is sought. Parts I and II of the examination seek to determine that an applicant’s knowledge is sufficient to protect public health, safety and welfare.

(5) The board may deny release of grades or issuance of a credential if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

(6) Applicants shall pass each part of the examination. An applicant who fails either part I or part II of the examination shall retake that part of the examination. The passing grade on each part of the 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 part I of the examination.

(7) An applicant for certification as a social worker, advanced practice social worker, or independent social worker or for licensure as a clinical social worker, need not take part II of the examination if within the 5 years preceding the date of application, the applicant took and passed part II in the process of applying for and receiving another social worker credential from the section.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; r. (2) and (4), Register, October, 1998, No. 514, eff. 11-1-98; CR 01-064: cr. (7), Register December 2001 No. 552, eff. 1-1-02; CR 02-105: am. (1), (5) and (7), Register October 2002 No. 562, eff. 11-1-02.

**MPSW 1.06 Examination review procedure for all sections of the board.** An applicant who fails an examination may request a review of the examination, as permitted by the examination provider. If a review is permitted, the following conditions apply:

(1) The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed and pay the fee under s. SPS 4.05.

(2) Examination reviews are by appointment only, and shall be limited to the time permitted by the examination provider for part I of the examination and 1 hour for part II of the examination.

(3) Reviews shall be conducted prior to the application deadline date for the next examination for the particular certificate category.

(4) An applicant may review part I of the examination only once.

(5) Part II of the examination may be reviewed by telephone. During a telephone review an applicant shall be provided with the statute or administrative code reference number and the topic of the test questions the applicant failed.

(6) An applicant may not be accompanied during the review by any person other than the proctors.

(7) Bound reference books shall be permitted. Applicants may not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**MPSW 1.07 Claims of examination error.** An applicant for any credential issued by the board who claims an error in the examination may file a written request for board review in the board office within 30 days of the date the examination was reviewed. The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes. Claims of examination error which are not filed within 30 days of an examination review shall be denied. The request shall include:

- (1) The applicant's name and address.
- (2) The type of credential applied for.
- (3) A description of the perceived error, including specific questions or procedures claimed to be in error.
- (4) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (intro.) and (2), Register October 2002 No. 562, eff. 11-1-02.

**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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am., Register October 2002 No. 562, eff. 11-1-02; CR 17-080: r. and recr. Register August 2018 No. 752, eff. 9-1-18.

**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.

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02.

**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).

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02; CR 10-013: r. and recr. Register December 2010 No. 660, eff. 1-1-11.

## Chapter MPSW 2

### DEFINITIONS FOR PRACTICE OF SOCIAL WORK

#### MPSW 2.01 Definitions.

**Note:** Chapter SFC 2 was created as an emergency rule effective April 26, 1993.

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

**MPSW 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.

(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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (5), Register, November, 1996, No. 491, eff. 12-1-96; CR 00-147: r. and recr. (9), renum. (11), (12), (13), (14) and (15) to be (14), (15), (16), (18) and (19), and cr. (11), (12), (13), and (17), Register August 2001 No. 548, eff. 9-1-01; CR 02-105: am. (intro.), (8), (11), (13) and (16), renum. (3) to be (12m) and am., r. (19), Register October 2002 No. 562, eff. 11-1-02; CR 05-042: am. (9) (intro.), r. (9) (b) Register December 2005 No. 600, eff. 1-1-06; CR 13-118: r. (14) Register September 2014 No. 705, eff. 10-1-14; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2015 No. 710; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register February 2017 No. 739.

## Chapter MPSW 3

### APPLICATION FOR SOCIAL WORKER CERTIFICATION OR LICENSURE

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

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

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

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

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a bachelor's, master's or doctoral degree in social work.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

(3) Verification of successful completion of the examination required.

(4) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(5) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. (4), [Register October 2002 No. 562](#), eff. 11-1-02; [CR 03-090](#): am. (2) [Register June 2004 No. 582](#), eff. 7-1-04.

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

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Lan-

guage (TOEFL) or an equivalent score on an equivalent examination.

(3) Verification of successful completion of the examination required.

(4) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(5) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. (4), [Register October 2002 No. 562](#), eff. 11-1-02; [CR 03-090](#): am. (2) [Register June 2004 No. 582](#), eff. 7-1-04.

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

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

(3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has obtained at least 3,000 hours of social work practice in no less than 2 years under the supervision of a supervisor approved by the social worker section. Pre-certification supervised practice shall meet the criteria under s. [MPSW 4.01](#).

(4) Verification of successful completion of the examination approved by the section, or verification that the applicant has obtained certification of the Academy of Certified Social Workers (ACSW) of the National Association of Social Workers.

(5) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(6) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 01-153](#): am. (3), [Register July 2002 No. 559](#), eff. 1-1-03; [CR 02-105](#): am. (3) and (5), [Register October 2002 No. 562](#), eff. 11-1-02; reprinted to restore dropped copy in (3), [Regis-](#)

ter January 2003 No. 565; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04.

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

(1) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with a master's or doctoral degree in social work with a concentration in clinical social work, including completion of supervised clinical field training. In lieu of supervised clinical field training, applicants may submit an affidavit indicating that they have completed 1,500 hours of supervised clinical social work experience in not less than one year within a primary clinical setting, which includes at least 500 hours of face-to-face client contact and is supervised as provided in s. MPSW 4.01.

(2) Verification that the school or program which awarded the social work degree was accredited by, or a pre-accreditation program, of the Council on Social Work Education (CSWE) at the time the applicant graduated from the program or school, or that a degree awarded by a foreign institution of higher learning has been determined by the CSWE to be equivalent to a program accredited by the CSWE. If the applicant's education was not received in English, the applicant must demonstrate proficiency in English by achieving a score of 550 (or 213 on the computer-based exam) or above on the Test of English as a Foreign Language (TOEFL) or an equivalent score on an equivalent examination.

(3) Except as provided in sub. (3m), an affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker or an independent social worker, has completed at least 3,000 hours of clinical social work practice in no less than 2 years, including at least 1,000 hours of face-to-face client contact and including DSM diagnosis and treatment of individuals, under the supervision of a supervisor approved by the social worker section. Pre-licensed supervised practice shall meet the criteria under s. MPSW 4.01.

(3m) An applicant who after receiving a master's or doctoral degree in social work and completing any portion of the applicant's 3,000 hours of supervised clinical social work practice outside of Wisconsin in no less than 2 years may be given credit for those hours provided they included at least 1,000 hours of face-to-face client contact, or a proportionate number thereof, and also included DSM diagnosis and treatment of individuals, completed under the supervision of a supervisor acceptable to the social worker section.

(4) Verification of successful completion of the examination approved by the section, or verification that the applicant is a board certified diplomat (BCD) of the American Board of Examiners in clinical social work.

(5) Verification of the applicant's credential in all jurisdictions in which the applicant has ever been credentialed.

(6) All pertinent information relating to any convictions or pending charges for all crimes and any traffic offenses which did or could result in revocation or suspension of the applicant's driver's license.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-153: am. (3), Register July 2002 No. 559, eff. 1-1-03; CR 02-105: am. (intro.), (3) and (5), Register October 2002 No. 562, eff. 11-1-02; reprinted to restore dropped copy in (3), Register January 2003 No. 565; CR 03-090: am. (2) Register June 2004 No. 582, eff. 7-1-04; CR 05-042: am. (1) Register December 2005 No. 600, eff. 1-1-06; CR 08-089: am. (3), cr. (3m) Register June 2009 No. 642, eff. 7-1-09.

### MPSW 3.11 Temporary certificate or license.

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

ifications for the social worker certificate except for passing the required examination.

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

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

(4) The social worker section may issue a temporary license permitting the practice of clinical social work and the use of the title "clinical social worker" to an individual who pays the fee under s. 440.05 (6), Stats., and who meets all the qualifications for the clinical social worker license except for passing the required examination.

(5) The temporary credential expires upon notification of successful completion of the examination or expiration of the 9 month period, whichever is earlier. The temporary credential may be renewed once.

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

### MPSW 3.12 Reciprocal certificate or license.

(1) The social worker section shall grant a certificate as a social worker under s. 457.08 (1), Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(a) The applicant has a current credential as a social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of the certificate under s. 457.08 (1), Stats.

(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

(2) The social worker section shall grant a certificate as an advanced practice social worker under s. 457.08 (1) and (2), Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(a) The applicant has a current credential as an advanced practice social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate under s. 457.08 (2), Stats.

(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant or by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under an advanced practice social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

**(3)** The social worker section shall grant a certificate as an independent social worker under s. 457.08 (1) and (3), Stats., to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(a) The applicant has a current credential as an independent social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a certificate under s. 457.08 (3), Stats.

(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under an independent social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

**(4)** The social worker section shall grant a license as a clinical social worker under s. 457.08 (1) and (4), Stats., to an applicant who pays the fee required under s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(a) The applicant has a current credential as a clinical social worker or the substantial equivalent in good standing in another state or territory of the United States.

(b) The requirements for granting the credential in the other state or territory of the United States are substantially equivalent to the requirements for granting a license under s. 457.08 (4), Stats.

(c) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(d) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of the applicant's driver's license, or the applicant has such charges pending against the applicant, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under an independent clinical social worker certificate.

(e) The applicant passes an examination approved by the social worker section that tests knowledge of state law relating to social work.

**History:** Cr. Register November, 1994, No. 467, eff. 12-1-94; CR 02-105: cr. (1) (e), (2) (e), (3) (e) and (4) (e), am. (intro.), (a) and (b), Register October 2002 No. 562, eff. 11-1-02.

### **MPSW 3.13 Social worker training certificate.**

**(1) APPLICATION REQUIREMENTS.** The social worker section shall grant a training certificate to an applicant who submits the fee under s. 440.05 (6), Stats., together with the completed, signed application form and all of the following:

(a) A certified transcript of professional education verifying that the applicant has a bachelor's degree in psychology, sociology, criminal justice or another human service program approved by the section from a college or university accredited by an accrediting body nationally recognized by the secretary of the United States department of education. The certified transcript shall be sent directly to the section by the college or university.

1. To qualify as "another human service program approved by the section" under s. 457.09 (1) (c), Stats., the program shall award a bachelor's degree and be one of the following:

a. An organized course of study recognized by the section to contain all five social worker equivalency courses in s. MPSW 3.13 (2) and a course designated as a senior seminar or capstone course.

b. An organized course of study entitled on the transcript as a human services major.

c. Accredited by any accrediting organization recognized by the Council for Higher Education Accreditation (CHEA) for programs awarding bachelor's degrees with a major in "human services".

2. In subd. 1. b., "human services major" means a major which includes all the following courses:

a. An introductory course which contains a general overview of the field of human services, including origins, career opportunities and techniques and methods of helping individuals and groups in need.

b. A course with significant content in professional ethics and values, including confidentiality, boundaries and values in human services occupations.

c. A course with content in qualitative and quantitative social research methods and statistics.

d. A course designated as a senior seminar or capstone course. The capstone course may be an internship with the seminar in which the training certificate applicant is evaluated to have attained the competencies specified in sub. (3m).

3. The applicant shall have obtained a grade point average of 2.5 or greater in the major completed in the program under subd. 1. a., 1. b. or 1. c.

(b) Verification that the applicant is seeking to attain social worker degree equivalency under s. 457.09 (4), Stats., during the period in which the certificate is valid.

(c) Information requested by the section relating to any convictions or pending charges against the applicant for any criminal or traffic offenses.

**Note:** Application forms are available upon request to the Social Worker Section at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**(2) SOCIAL WORKER DEGREE EQUIVALENCY.** To attain social worker degree equivalency to a bachelor's degree in social work under the terms of s. 457.09 (4) and (4m) (b), Stats., and to qualify to take the national social work examination, a social worker training certificate holder shall demonstrate by certified transcript from an accredited college or university, sent directly to the section, that the applicant has successfully completed with a minimum of a C grade at least a total of 5 courses, each consisting of

a minimum of either 3 semester hours or 4 quarter hours of academic credit. Courses shall be taught by an instructor who holds a master's degree or a PhD in social work from an institution accredited by the Council on Social Work Education unless otherwise approved by the section. The courses shall use a textbook written by a social work educator for social work courses as a primary text, unless otherwise approved by the section. At least three of these courses shall be taken at the same institution, and shall be distributed among the following subject areas:

(a) *Social welfare policy and services.* At least one course of at least 3 semester hours or 4 quarter hours academic credit. Qualifying course work in this area shall include the history, mission and philosophy of the social work profession, the impact of social policy on health and well-being, the effect of social policy on social work practice, current social policy analysis, political and organizational processes used to influence policy, the process of policy formulation, and the framework for current social policy analysis in light of the principles of social and economic justice.

(b) *Social work practice methods with individuals, families, small groups, communities, organizations and social institutions – generalist practice methods.* At least 3 courses each consisting of at least 3 semester hours or 4 quarter hours academic credit. Qualifying coursework in these areas shall substantively and effectively prepare the student for action to engage with, assess, intervene with, and evaluate individuals, families, groups, organizations, and communities. The social work practice methods taught shall be evidence-based, and shall emphasize client strengths. Each course shall have infused throughout the curriculum significant course content on social work values, ethics, approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds; and systems of all sizes. The content of the three courses shall be coordinated by the college or university to cover the material described below and demonstrate that within the curriculum of the three courses, students shall learn:

1. Of the three required social work methods courses, a course in each of the following: social work practice with individuals, social work practice with groups and families, and social work practice with communities, organizations, and social institutions.

2. Practice content which emphasizes professional relationships that are characterized by mutuality, collaboration, respect for the client system and incorporates use of professional social work supervision. Coursework shall prepare a student to do all of the following:

- a. Use empathy and other interpersonal skills with clients.
- b. Develop with the client a mutually agreed upon focus of work and desired outcomes.
- c. Collect, organize, and interpret client data.
- d. Develop mutually agreed upon intervention goals and objectives.
- e. Select appropriate intervention strategies.
- f. Initiate actions to achieve organizational goals.
- g. Implement prevention interventions that enhance client capacities.
- h. Help clients resolve problems.
- i. Negotiate, mediate, and advocate for clients.
- j. Facilitate transitions and endings.
- k. Critically analyze, monitor, and evaluate interventions.

3. Practice assessment which focuses on the examination of client strengths and problems in the interaction among individuals and between people and their environments.

4. Knowledge, values and skills to enhance human well-being and amelioration of the environmental conditions that affect people adversely.

5. Approaches and skills for practice with clients from differing social, cultural, racial, religious, spiritual and class backgrounds and with systems of all sizes.

6. Differential assessments and intervention skills to serve diverse at-risk populations.

7. An evaluation of the student's ability to demonstrate competence in interviewing, using empathy and interpersonal skills. The student shall be able to demonstrate skill in collecting, organizing, and interpreting client data; assessing client strengths and limitations; developing mutually agreed upon intervention goals and objectives; and selecting appropriate intervention strategies.

8. Each social work methods course shall include content on social work values and ethics including the application of the standards of the National Association of Social Workers Code of Ethics to Social Work practice.

9. Each social work methods course shall include content on cultural competence in social work practice, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice.

(c) *Human behavior in the social environment, including human growth and development, and social systems theory.* At least one course of at least 3 semester hours or 4 quarter hours academic credit. Qualifying course work in this area shall include theories and knowledge of human biological, sociological, cultural, psychological, and spiritual development across the life span; the range of social systems, including individual, family, group, organizational, and community, in which people live, and the ways social systems promote or deter people in maintaining or achieving health and well-being.

**(3) INTERNSHIP AND EMPLOYMENT.** To qualify to take the national social work examination, a training certificate holder shall demonstrate to the section, by written certification from his or her supervisor sent directly to the section, that he or she engaged in and successfully completed one of the following:

(a) 1. A human services internship of at least 400 hours that was part of the program leading to the degree the certificate holder specified to satisfy the requirement in s. 457.09 (1) (c) and (4m) (b), Stats., or completed while holding the training certificate, and involved direct practice with clients and that was supervised by a social worker certified under s. 457.08, Stats., and who has a bachelor's or master's degree in social work and provides direct, on-site supervision of the intern. A human services internship shall be under the auspices of an accredited college or university.

2. A human services internship completed prior to August 1, 1995, that otherwise qualifies under par. (a), may be approved by the section if it was supervised by a person holding a bachelor's or master's degree in social work and in good professional standing, but who was not certified under s. 457.08, Stats.

(b) One year of social work employment completed while holding the training certificate, which involved at least 400 hours of face-to-face client contact in not less than 12 months, and that was supervised by a social worker certified under s. 457.08, Stats., who has a bachelor's or master's degree in social work and who provides direct, on-site supervision of the certificate holder during the time the certificate holder is at work.

**(3m) DEMONSTRATED COMPETENCY.** A human services internship or one year of social work employment shall be approved by the section provided that the supervising social worker certifies on forms provided by the department that the internship or employment provided training and experience, and the applicant demonstrated competency, in each of the following areas:

(a) Demonstrate the ability to: engage, assess, intervene, and evaluate individuals, families, groups, organizations, and communities in regard to strengths and difficulties in biological, psychological, sociological, cultural, and spiritual functioning.

(b) Demonstrate intervention skills, including: collecting, organizing, and interpreting client data; assessing client strengths and limitations; using empathy and other interpersonal skills; developing mutually agreed upon intervention goals and objectives; determining and implementing appropriate intervention

strategies; and referring clients to other qualified resources when appropriate.

(c) Develop a mutually agreed upon focus of work and desired outcomes, which may include: implementing prevention interventions that enhance client outcomes; helping clients resolve problems; negotiating, mediating, and advocating for clients; and facilitating transitions and endings; referring to community resources; facilitating organizational change to meet social needs based on evaluation and assessment as described in par. (a); and critically analyze, monitor, and evaluate interventions.

(d) Knowledge of other disciplines and resources relevant to the evaluation of clients, plans and policies to alleviate client difficulties, and intervention planning.

(e) Demonstrate cultural competence, based on the National Association of Social Workers Standards for Cultural Competence in Social Work Practice, by intervening effectively on behalf of diverse populations and populations most vulnerable and discriminated against; providing culturally competent services, and collaborating with others to develop services.

(f) Make ethical decisions by applying standards of the National Association of Social Workers Code of Ethics in the delivery of social work services to clients, and applying relevant Wisconsin laws and administrative rules, as applicable.

**(4) SUPERVISION REQUIREMENTS.** In addition to the minimum qualifications for supervisors specified in sub. (3), supervision of qualifying human services internship or employment shall include the direction of social work practice in a face-to-face individual session of at least one hour duration during each week of supervised practice of social work, and shall further comply with s. MPSW 4.01 (1) and (3). Supervision may be exercised by a person other than an employment supervisor. For supervised educational internships or employment experiences that begin 6

months after the effective date of this rule change, the supervisor and student or employee shall complete and sign a learning contract within the first 40 hours of the internship or employment that shall describe the goals of the student or employee's supervised experience and list basic expectations for both the applicant and the supervisor.

**(5) GRANTING SOCIAL WORKER CERTIFICATION.** Subject to s. 457.26 (2), Stats., the section shall grant a social worker certificate to a training certificate holder who has demonstrated social worker degree equivalency, completed a supervised human services internship or social work employment, and passed the national social worker examination and state law examination, all as required under this section and s. 457.09, Stats.

**(6) APPROVAL OF COURSES FOR SOCIAL WORKER DEGREE EQUIVALENCY.** (a) The section may approve in advance courses offered by an accredited college or university which may be taken by a social worker training certificate holder to satisfy the requirements of sub. (2) (a) to (c).

(b) To obtain advance section approval under par. (a), an accredited college or university shall submit course syllabi at least 6 months prior to the commencement of the class. Section approval shall continue for 2 years unless the course content, format, delivery method, or instructor changes. After 2 years, course syllabi shall be resubmitted for approval.

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

## Chapter MPSW 4

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

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

**Note:** Chapter SFC 4 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 4 was renumbered ch. MPSW 4 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

**MPSW 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.

**History:** Cr. [Register, November, 1993, No. 455, eff. 12-1-93](#); [CR 01-020: am. \(1\) \(b\) 1. and 2., Register December 2001 No. 552, eff. 1-1-02](#); [CR 02-105: am. \(1\), r. \(1\) \(a\), \(b\) and \(4\), cr. \(5\) and \(6\), Register October 2002 No. 562, eff. 11-1-02](#); [CR 03-098: am. \(3\) \(b\) and \(c\) Register January 2005 No. 589, eff. 2-1-05](#).

## Chapter MPSW 5

### SOCIAL WORK EXAMINATIONS

#### MPSW 5.01 Examination.

**Note:** Chapter SFC 5 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 5 was renumbered ch. MPSW 5 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

**MPSW 5.01 Examination. (1)** An applicant for certification as a social worker, advanced practice social worker, or independent social worker or for licensure as a clinical social worker shall pass all parts of the examination required by the social worker section, unless the applicant is exempt from the examination requirement.

**(2)** An applicant for certification as a social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree.

**(3)** An applicant for certification as an advanced practice social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an

examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree.

**(4)** An applicant for certification as an independent social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

**(5)** An applicant for licensure as a clinical social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required period of supervised practice.

**Note:** A listing of the examinations approved by the social worker section may be obtained from the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, c/o the Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935.

**History:** Cr. [Register, November, 1992, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. (1) to (5), [Register October 2002 No. 562](#), eff. 11-1-02; [CR 14-057](#): am. (2), (3), [Register December 2016 No. 732](#), eff. 1-1-17.

## Chapter MPSW 6

### AUTHORIZED SOCIAL WORKER PRACTICE

**MPSW 6.01** Certified social worker.

**MPSW 6.02** Certified advanced practice social worker.

**MPSW 6.03** Certified independent social worker.

**MPSW 6.04** Licensed clinical social worker.

**Note:** Chapter SFC 6 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 6 was renumbered ch. MPSW 6 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

**MPSW 6.01 Certified social worker.** A certified social worker may evaluate and assess difficulties in psychosocial functioning, develop a plan to alleviate those difficulties, and either carry out the plan or refer clients to other qualified resources for assistance. Intervention plans may include counseling of individuals, families, and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs based on a psychosocial evaluation. A certified social worker may not engage in psychotherapeutic activities.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. [Register October 2002 No. 562](#), eff. 11-1-02.

**MPSW 6.02 Certified advanced practice social worker.** A certified advanced practice social worker may evaluate and intervene in complex difficulties in psychosocial functioning. Intervention plans may include counseling of individuals, families, and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs based on a psychosocial evaluation. A certified advanced practice social worker may engage in psychotherapeutic activities only under the supervision of a person authorized by the board or by the department of health services to supervise the practice of clinical social work.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. [Register October 2002 No. 562](#), eff. 11-1-02; [correction made under s. 13.92 \(4\) \(b\) 6](#), Stats., [Register November 2011 No. 671](#).

**MPSW 6.03 Certified independent social worker.** A certified independent social worker may evaluate and intervene in complex difficulties in psychosocial functioning. Intervention plans may include counseling of individuals, families, and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs based on a psychosocial evaluation. A certified independent social worker may practice social work independently but may engage in psychotherapeutic activities only under the supervision of a person authorized by the board or by the department of health services to supervise the practice of clinical social work.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. [Register October 2002 No. 562](#), eff. 11-1-02; [correction made under s. 13.92 \(4\) \(b\) 6](#), Stats., [Register November 2011 No. 671](#).

**MPSW 6.04 Licensed clinical social worker.** A licensed clinical social worker may provide services without supervision 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 which may include, but are not limited to, counseling of individuals, families and groups; referral to community resources; advocacy; and facilitation of organizational change to meet social needs; and individual, marital, and group psychotherapy; all based on a psychosocial evaluation. A licensed clinical social worker may engage in psychotherapeutic activities without supervision.

**Note:** A licensed clinical social worker employed in a certified outpatient mental health clinic is subject to rules of the department of health services regarding supervision.

**History:** Cr. [Register, November, 1993, No. 455](#), eff. 12-1-93; [CR 02-105](#): am. [Register October 2002 No. 562](#), eff. 11-1-02.

## Chapter MPSW 10

### DEFINITIONS FOR PRACTICE OF PROFESSIONAL COUNSELING

#### MPSW 10.01 Definitions.

**Note:** Chapter SFC 10 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 10 was renumbered ch. MPSW 10 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 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.

(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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; renum. (2) to (6) to be (4) to (8), cr. (2) and (3), Register, January, 1995, No. 469, eff. 2-1-95; CR 02-150: am. (1), (5) and (6), r. (4), (7) and (8), Register October 2002 No. 562, eff. 11-1-02; CR 03-058: cr. (1m) and (3m) Register June 2004 No. 582, eff. 7-1-04; CR 07-048: r. (2) and (3) Register March 2008 No. 627, eff. 4-1-08; CR 13-009: r. and recr. (6) Register April 2014 No. 700, eff. 9-1-18; CR 13-118: r. (3m) Register September 2014 No. 705, eff. 10-1-14; CR 16-009: cr. (2) Register January 2018 No. 745, eff. 2-1-18.

## Chapter MPSW 11

### APPLICATION FOR PROFESSIONAL COUNSELOR LICENSURE

**MPSW 11.01** Application for licensure as a professional counselor.  
**MPSW 11.015** Application for a professional counselor training license.

**MPSW 11.035** Temporary license.  
**MPSW 11.04** Reciprocal license.

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

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

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

(1) An application with the required fee under s. 440.05 (1), Stats.

(2) A certificate of professional education, signed and sealed by the chancellor, dean, or registrar of the school from which the applicant has graduated with one of the following approved degrees:

(a) A master's or doctoral degree in professional counseling.

(b) A degree from a program which is accredited by the Commission for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE) at the time the applicant graduated.

(c) A program which is equivalent to a master's or doctoral degree in professional counseling by meeting the requirements in s. MPSW 14.01 or 14.02.

(d) A degree awarded by a foreign institution of higher learning which has been evaluated by an organization approved by the professional counselor section and is equivalent to a degree from a program approved under pars. (a) to (c). If the applicant's education was not received in English, the applicant must demonstrate proficiency in English on an approved test of English as a foreign language.

(3) Verification the applicant has completed one of the following:

(a) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least 3,000 hours of professional counseling practice, including at least 1,000 hours of face-to-face client contact, while holding a valid professional counselor training license and supervised by a person qualified to supervise under s. MPSW 12.02.

(b) Either during or after the doctorate degree program in professional counseling or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice supervised by a person qualified to supervise under s. MPSW 12.02. Any supervised practice outside of the doctorate degree program shall be done while holding a valid professional counselor training license.

(4) Verification of a passing score on one of the following:

(a) National Counselor Examination (NCE).

(b) National Clinical Mental Health Counseling Examination (NCMHCE).

(c) Certified Rehabilitation Counselor (CRC) examination.

(d) Another examination approved by the professional counselor section.

(5) If the applicant has an arrest or conviction record, documentation necessary for the section to determine whether the cir-

cumstances substantially relate to professional counseling, subject to ss. 111.321, 111.322, and 111.335, Stats.

**History:** Cr. **Register, November, 1993, No. 455**, eff. 12-1-93; **CR 02-105**: am. (1) (intro.), (a), (e) and (f) **Register October 2002 No. 562**, eff. 11-1-02; **CR 03-090**: am. (1) (b) **Register June 2004 No. 582**, eff. 7-1-04; **CR 08-088**: am. (1) (b) **Register June 2009 No. 642**, eff. 7-1-09; **CR 16-009**: r. and recr. **Register January 2018 No. 745**, eff. 2-1-18; correction in (3) (b) made under s. 35.17, Stats., **Register January 2018 No. 745**.

**MPSW 11.015 Application for a professional counselor training license.** (1) The professional counselor section shall grant a professional counselor training license to any individual who does all of the following:

(a) Submits a completed, signed application form.

(b) Pays the fee specified in s. 440.05 (6), Stats.

(c) Satisfies the requirements in s. 457.12 (2), Stats.

(d) Submits evidence satisfactory to the professional counselor section of one of the following:

1. The applicant is in a position or has an offer for a position as a professional counselor in a supervised clinical professional counseling practice.

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

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

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

**MPSW 11.035 Temporary license.** (1) The professional counselor section may issue a temporary license to practice professional counseling to an individual who does all of the following:

(a) Submits application and pays the fee specified in s. 440.05 (6), Stats.

(b) Satisfies the requirements under s. MPSW 11.01 (2) and (3).

(c) Submitted an application to take the next available examination under s. MPSW 11.01 (4).

(2) A temporary license is valid for a period not to exceed 9 months and may be renewed once.

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

**MPSW 11.04 Reciprocal license.** The professional counselor section shall grant a license as a professional counselor to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following:

(1) The applicant has a current credential as a professional counselor or the substantial equivalent in good standing in another state or territory of the United States.

(2) The requirements for obtaining the credential in the other state or territory of the United States are substantially equivalent to the requirements under s. 457.12, Stats.

(3) The applicant does not have a license, registration, or certificate revoked, suspended, limited, or subject to any other discipline in any other jurisdiction warranting denial.

(4) The applicant does not have an arrest or conviction record which substantially relate to the practice of professional counseling, subject to ss. 111.321, 111.322, and 111.335, Stats.

(5) The applicant has a passing score on the Wisconsin statutes and rules examination.

**History:** Cr. Register, November, 1994, No. 467, eff. 12-1-94; CR 02-105: am. (intro.), (2) and (4), cr. (5), Register October 2002 No. 562, eff. 11-1-02; CR 16-009: am. (intro.), (2), r. and recr. (3) to (5) Register January 2018 No. 745, eff. 2-1-18.

## Chapter MPSW 12

### PROFESSIONAL COUNSELOR SUPERVISED PRACTICE

MPSW 12.01 Supervised practice requirement.

MPSW 12.02 Supervised practice.

**Note:** Chapter SFC 12 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 12 was renumbered ch. MPSW 12 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

#### MPSW 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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93, am. (1) (intro.), Register, November, 1994, No. 467, eff. 12-1-94; CR 02-105: r. and recr. Register October 2002 No. 562, eff. 11-1-02; CR 08-088: renum. (intro.), (1) and (2) to be (1), (2) and (3) and am. (1), cr. (4) and (5) Register June 2009 No. 642, eff. 7-1-09; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2018 No. 745.

**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. 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.

(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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-026: am. (2), r. (2) (b) and (d), Register December 2001 No. 552, eff. 1-1-02; CR 02-105: r. and recr. (2) Register October 2002 No. 562, eff. 11-1-02; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18.

## Chapter MPSW 14

### CONTINUING EDUCATION FOR PROFESSIONAL COUNSELORS AND EQUIVALENCY OF PROFESSIONAL COUNSELOR ACADEMIC PROGRAMS

**MPSW 14.01** Academic program equivalent to a master's degree in professional counseling.

**MPSW 14.02** Academic program equivalent to a doctorate in professional counseling.

**Note:** Chapter SFC 14 was created as an emergency rule effective April 26, 1993.  
**Note:** Chapter SFC 14 was renumbered ch. MPSW 14 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 14.01 Academic program equivalent to a master's degree in professional counseling.** An academic program is the equivalent of a master's degree in professional counseling or rehabilitation counseling from an approved institution if the completed program meets the following criteria:

(1) The course work was completed at an institution which was accredited by its regional accrediting association at the time the applicant graduated from the program, and was part of a program of studies leading to a master's degree or doctoral degree in a field closely related to professional counseling or rehabilitation counseling.

(2) All course work reflected on the applicant's official transcript totals at least 60 semester hours or 90 quarter hours of academic credit. The course work included successful completion of all of the following:

(a) At least 3 semester hours or 4 quarter hours academic credit in a supervised practicum counseling experience that provides documented proof of a minimum of 100 hours of supervised practicum experience with at least 40 hours of face-to-face client contact. The practicum experience includes evaluation of the student's counseling performance throughout the practicum and one hour per week of individual or triadic supervision throughout the practicum by a program faculty member, an approved student supervisor, or a site supervisor. The practicum experience further includes an average of 1½ hours per week of group supervision that is provided on a regular schedule throughout the practicum by a program faculty member or a student supervisor.

(b) At least 6 semester hours or 8 quarter hours academic credit in a supervised internship counseling experience that provides documented proof of a minimum of 600 hours of supervised internship experience with at least 240 hours of face-to-face client contact. The internship experience includes evaluation of the student's counseling performance throughout the internship and one hour per week of individual or triadic supervision throughout the internship performed by the onsite or field supervisor. The internship experience further includes an average of 1 1/2 hours per week of group supervision that is provided on a regular schedule throughout the internship by a program faculty member or a student supervisor.

(c) At least 3 semester hours or 4 quarter hours academic credit in a counseling theory or counseling approaches course that provides documented evidence that the student has been exposed to a variety of theoretical models that are consistent with current research and practice in the field. Courses covering only a single or specific counseling theory will not be sufficient for meeting this educational criterion.

(d) At least 3 semester hours or 4 quarter hours of academic credit in each of the following topic areas:

1. 'Human growth and development.' Studies that provide a broad understanding of the nature and needs of individuals at all developmental levels; normal and abnormal human behavior; personality theory; theories of individual and family development

and transitions; theories for facilitating optimal development and wellness across the life span; and learning theory within appropriate cultural contexts. Courses that focus on only one lifespan developmental level will not count in fulfilling this criterion.

2. 'Social and cultural foundations.' Studies that provide a broad understanding of societal changes and trends; human roles; societal subgroups, social mores and interaction patterns; counselors' roles in developing cultural self-awareness; promoting cultural social justice, advocacy and conflict resolution, and other culturally supported behaviors that promote optimal wellness and growth of the human spirit, mind, or body; counselors' roles in eliminating biases, prejudices, and processes of intentional and unintentional oppression and discrimination; and differing lifestyles.

3. 'Helping relationship.' Studies that provide a broad understanding and practical application of helping processes, basic and advanced helping skills; consultation theories and their applications; client and helper self-understanding and self-development; and facilitation of client or consultee changes. An applicant's official transcript must reflect successful completion of a course addressing counseling process, skills, and intervention techniques.

4. 'Group dynamics processing and counseling.' Studies that provide a broad understanding of group development, dynamics, and group counseling theories; group leadership styles; basic and advanced group counseling methods and skills; and other group approaches.

5. 'Lifestyle and career development.' Studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance and education; lifestyle and career decision making; career development program planning and resources; and effectiveness evaluation.

6. 'Assessment and testing.' Studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal; data and information gathering methods, validity and reliability; psychometric statistics; factors influencing appraisals; social and cultural factors related to the assessment; and evaluation of individuals, groups and specific populations and use of appraisals to enhance helping processes.

7. 'Research and evaluation.' Studies that provide a broad understanding of types of research; basic statistics; research report development; research implementation; program evaluation; needs assessment; publication of research information; and ethical and legal considerations.

8. 'Professional counseling orientation.' Studies that provide a broad understanding of professional counselor roles and functions; professional goals and objectives; professional organizations and associations; professional history and trends; ethical and legal standards; professional preparation standards; and professional credentialing. The American Counseling Association (ACA) or the Commission on Rehabilitation Counselor Certification (CRCC) must have been the primary professional identity organization discussed and the ACA Code of Ethics or CRCC Code of Professional Ethics for Rehabilitation counselors must

have been used as the primary professional conduct guide and prominently identified as such in the orientation course syllabus.

(e) At least 3 semester hours or 4 quarter hours in one of the following:

1. 'Foundations of clinical mental health counseling.' If the academic program has an emphasis in mental health counseling, coursework addressing the history and development of clinical mental health counseling, theories and models related to clinical mental health counseling, principles of clinical mental health counseling, including prevention, intervention, consultation, education, and advocacy, and networks that promote mental health and wellness.

2. 'Foundations of clinical rehabilitation counseling.' If the academic program has an emphasis in rehabilitation counseling, coursework addressing the history and development of rehabilitation counseling, theories and models related to rehabilitation counseling, social science theory that addresses psychosocial aspects of disability, principles of rehabilitation including prevention, intervention, wellness, consultation, education, and advocacy.

(f) At least 3 semester hours or 4 quarter hours in one of the follow:

1. 'Clinical mental health counseling diagnosis and treatment planning.' If the academic program has an emphasis in clinical mental health counseling, coursework addressing the diagnostic process, including differential diagnosis and the use of diagnostic classification systems such as the Diagnostic and Statistical Manual of Mental Disorders (DSM) and/or the International Classification of Diseases (ICD); training on administration of intake interview, mental status evaluation, biopsychosocial history, mental health history, and psychological assessment for treatment planning and caseload management; and techniques and interventions related to a broad range of mental health issues.

2. 'Rehabilitation counseling diagnosis and treatment planning.' If the academic program has an emphasis in rehabilitation counseling, coursework addressing diagnostic interviews, mental status examinations, symptom inventories, psychoeducational and personality assessments, biopsychosocial histories, assessments for treatment planning; career and work-related assessments including job-analysis, work site modification, transferable skills analysis, and job readiness; strategies to advocate for clients with disabilities and rehabilitation counseling.

(g) At least 3 semester hours or 4 quarter hours in each of the following:

1. 'Crisis and trauma counseling.' Studies that include counseling approaches that effectively address crises and trauma, the impact of trauma and crisis and potential neurobiological responses; skills and techniques for assessing and intervening in specific crisis or trauma situations including suicide assessment and intervention.

2. 'Abnormal behavior and psychopathology.' Studies that include concepts of psychopathology and introduces methods of assessment and diagnosis for children, adolescents and adults with major mental disorders; and personality disorders, multiple perspectives of emotional and psychological distress, disturbance and behavior; skills to use the DSM diagnostic system while including acknowledgement of client strengths and resilience and the social and cultural context.

3. 'Addictions counseling.' Studies that provide an overview of addiction, the process of addiction, treatment and recovery approaches, relapse prevention, developmental issues related to addiction; treatment and prevention planning in regard to addiction.

4. 'Family, partnership, and couples counseling.' Studies that provide information and skills relevant to conducting partner or marital and family counseling services within a multicultural society with emphasis given to systemic theory and philosophy; dynamics of family interaction and the initial skills in assessment and treatment of dysfunctional partner, marital, family and systems or ecosystems relationships.

(3) Notwithstanding sub. (1), an applicant may, at an institution which was accredited by its regional accrediting association at the time the course was completed, complete up to 18 credit hours outside the program of studies leading to a master's degree in order to meet the requirements in sub. (2).

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (2) (intro.), Register, October, 1998, No. 514, eff. 11-1-98; am. (2) (intro.), Register, November, 1999, No. 527, eff. 12-1-99; CR 01-026: cr. (4), Register December 2001 No. 552, eff. 1-1-02; CR 08-088: am. (2) (intro.) Register June 2009 No. 642, eff. 7-1-09; CR 13-009: r. and recr. Register April 2014 No. 700, eff. 9-1-18; CR 17-079: r. and recr. (2) (b), cr. (3) Register August 2018 No. 752, eff. 9-1-18.

#### **MPSW 14.02 Academic program equivalent to a doctorate in professional counseling.**

An academic program is the equivalent of a doctoral degree in professional counseling from an approved institution if the completed program meets all of the following criteria:

(1) The course work was completed at an institution which was accredited by its regional accrediting association at the time the applicant graduated from the program, and was part of a program of studies leading to a doctoral degree in a field closely related to professional counseling.

(2) The doctoral program consists of a minimum of 4 academic years of graduate-level preparation defined as 8 semesters or 12 quarters with a minimum of 96 semester credits or 144 quarter credits of graduate-level credits required of all students in the program.

(3) Doctoral students are required to participate in a supervised doctoral-level practicum of a minimum of 100 hours in counseling, of which 40 hours must be in direct service with clients. The nature of the doctoral-level practicum experience is to be determined in consultation with program faculty or a doctoral committee, or both. During the doctoral student's practicum, supervision by student supervisors is not permissible.

(4) Doctoral students are required to complete doctoral-level counseling internships that total a minimum of 600 hours. The 600 hours may include supervised experiences in clinical practice, research, and teaching. The internship includes most of the activities of a regularly employed professional in the setting. The 600 hours may be allocated at the discretion of the doctoral advisor and the student on the basis of experience and training.

(5) During the practicum and internship, the student receives weekly individual or triadic supervision, performed by a supervisor with a doctorate in professional counseling or a related profession. Group supervision is provided on a regular schedule with other students throughout the internship and is usually performed by a program faculty member.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (2), Register, October, 1998, No. 514, eff. 11-1-98; am. (2), Register, November, 1999, No. 527, eff. 12-1-99; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18.

## Chapter MPSW 15

### DEFINITIONS FOR PRACTICE OF MARRIAGE AND FAMILY THERAPY

**MPSW 15.01** Definitions.

**MPSW 15.02** Practice of marriage and family therapy.

**Note:** Chapter SFC 15 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 15 was renumbered ch. MPSW 15 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 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.

(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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (intro.) and (2), Register October 2002 No. 562, eff. 11-1-02.

**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.

**History:** CR 02-105: cr. Register October 2002 No. 562, eff. 11-1-02.

## 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.

**Note:** Chapter SFC 16 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 16 was renumbered ch. MPSW 16 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

**MPSW 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) If the applicant has an arrest or conviction record, documentation necessary for the section to determine whether the circumstances substantially relate to the practice of marriage and family therapy, subject to ss. 111.321, 111.322, and 111.335, Stats.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; am. (1) (c) and (2), r. (3), Register, November, 1999, No. 527, eff. 12-1-99; CR 02-105: am. (1) (intro.), (1) (a) 3., (1) (b) and (d) and (2) (a) and (c), Register October 2002 No. 562, eff. 11-1-02; CR 03-090: am. (1) (a) 3. Register June 2004 No. 582, eff. 7-1-04; CR 15-017: am. (1) (b), (2) (a) Register April 2016 No. 724, eff. 5-1-16; CR 16-008: r. and recr. Register January 2018 No. 745 eff. 2-1-18; corrections in (3) made under ss. 13.92 (4) (b) 7. and 35.17, Stats., Register January 2018 No. 745.

**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.

**History:** CR 16-008: renum. MPSW 17.03 (title) (1), (2) to (title) (1), (2), cr. (3), Register January 2018 No. 745 eff. 2-1-18.

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

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

(2) 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.

(3) 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.

(4) 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.

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

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

This area shall include individual and family development, human sexuality, or biopsychosocial health across the lifespan.

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

(8) 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.

(9) 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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; r. (4), Register, November, 1999, No. 527, eff. 12-1-99; CR 16-008: r. and recr. Register January 2018 No. 745 eff. 2-1-18.

**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, 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.

**History:** CR 16-008: cr. Register January 2018 No. 745 eff. 2-1-18; correction in (2) (d) made under s. 13.92 (4) (b) 7., Stats., Register January 2018 No. 745; correction in (2) (f), (3) (a) made under s. 35.17, Stats., Register January 2018 No. 745.

## Chapter MPSW 17

### MARRIAGE AND FAMILY THERAPY TEMPORARY LICENSE AND RECIPROCAL LICENSE APPLICATIONS

#### MPSW 17.01 Temporary license.

**Note:** Chapter SFC 17 was created as an emergency rule effective April 26, 1993.  
**Note:** Chapter SFC 17 was renumbered ch. MPSW 17 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

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

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

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

**MPSW 17.02 Reciprocal license.** The marriage and family therapist section shall grant a license as a marriage and family therapist under s. 457.10, Stats., to an applicant who pays

#### MPSW 17.02 Reciprocal license.

the fee required by s. 440.05 (2), Stats., and provides evidence of all of the following to the section:

(1) The applicant has a current credential as a marriage and family therapist or the substantial equivalent in good standing in another state or territory of the United States.

(2) The requirements for the grant of the credential in the other state or territory of the United States are substantially equivalent to the requirements for the grant of a license under s. 457.10, Stats.

(3) The applicant has disclosed all discipline ever taken or currently pending against the applicant or any professional credential held by the applicant by any credentialing authority of any state or territory of the United States.

(4) If the applicant has been convicted of a crime, or of a traffic offense which did or could result in the suspension or revocation of his or her driver’s license, or the applicant has such charges pending against him or her, the applicant has disclosed all information necessary for the section to determine whether the circumstances of the pending charge or conviction are substantially related to the duties of practice under a marriage and family therapist license.

(5) The applicant passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy.

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

## Chapter MPSW 19

### CONTINUING EDUCATION

**MPSW 19.01** Definitions.

**MPSW 19.02** Continuing education requirements.

**MPSW 19.03** Approved continuing education.

**MPSW 19.04** Postponement, waiver, and exemption.

**MPSW 19.05** Record retention and audits.

**Note:** Chapter SFC 19 was renumbered ch. MPSW 19 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562. Chapter MPSW 19 was repealed and recreated, Register February 2015 No. 710, eff. 3-1-15.

#### **MPSW 19.01 Definitions.** In this chapter:

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

(2) “Interactive learning format” means a live, synchronous presentation with discussion or an asynchronous educational program by a provider under s. **MPSW 19.03 (1) (a) or (f)**.

(3) “Section” means any of the following:

- (a) Marriage and family therapy section.
- (b) Professional counseling section.
- (c) Social worker section.

**History:** CR 13-117: cr. Register February 2015 No. 710, eff. 3-1-15.

#### **MPSW 19.02 Continuing education requirements.**

(1) Unless granted a postponement or waiver of the continuing education requirement under s. **MPSW 19.04**, every marriage and family therapist, professional counselor, social worker, advanced practice social worker, independent social worker, and clinical social worker shall complete at least 30 continuing education credit hours in approved continuing education programs during each 2 year credential period and certify on the application for renewal that all required education was completed. Unless granted a postponement or waiver of the continuing education requirement, a credential holder who fails to meet the continuing education requirements by the renewal deadline must discontinue the use of the title.

(2) A minimum of 4 continuing education credit hours, of the required 30 continuing education credit hours, shall be in the area of professional ethics and boundaries related to the practice of marriage and family therapy, professional counseling, or social work.

(a) A person holding multiple credentials granted by the board shall complete only a minimum of 4 continuing education credit hours in the area of professional ethics and boundaries.

(b) Social work credential holders shall complete their ethics continuing education credit hours in an interactive learning format.

(3) During the time between receiving the initial credential and commencement of a full 2 year credentialing period, a new credential holder is not required to meet continuing education requirements for the first renewal of the credential.

(4) Continuing education credit hours shall apply only to the 2 year credential period in which the credit hours are completed, unless either of the following applies:

(a) Continuing education credit hours required as a consequence of a disciplinary proceeding may not be counted towards the fulfillment of generally applicable continuing education requirements.

(b) If the credential holder fails to meet the continuing education requirement during a 2 year credential period, any additional continuing education credit hours completed on or after the

renewal date to satisfy the requirement of the preceding period will not apply to the period in which they are earned.

**History:** CR 13-117: cr. Register February 2015 No. 710, eff. 3-1-15; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register August 2017 No. 740.

#### **MPSW 19.03 Approved continuing education.**

(1) Continuing education programs, if relevant to the professional practice of marriage and family therapy, professional counseling, or social work, are approved as follows:

(a) Any continuing education program approved, sponsored, provided, endorsed, or authorized by:

1. American Association for Marriage and Family Therapy (AAMFT) or affiliated divisions.
2. Wisconsin Association for Marriage and Family Therapy (WAMFT).
3. National Rehabilitation Counseling Association (NRCA).
4. American Rehabilitation Counseling Association (ARCA).
5. Wisconsin Rehabilitation Counseling Association (WRCA).
6. National Board for Certified Counselors (NBCC).
7. American Counseling Association (ACA).
8. Wisconsin Counseling Association (WCA).
9. National Board for Certified Counselors (NBCC).
10. Commission on Rehabilitation Counselor Certification (CRCC).
11. Association of Social Work Boards (ASWB).
12. National Association of Social Workers (NASW) or affiliated chapters.
13. Association of Baccalaureate Program Directors (BPD).
14. Council on Social Work Education (CSWE).
15. National Association of Alcohol and Drug Abuse Counseling (NAADAC) or affiliated divisions.

(b) Any continuing education program or course offered by a training program accredited by the Commission on Accredited for Marriage and Family Therapy Education (COAMFTE).

(c) Any continuing education program approved, sponsored, or co-sponsored by a presenter approved by the Committee for the Approval of Continuing Education Sponsors of the American Psychological Association.

(d) Any educational programs, recognized as approved at the time of attendance as “Category I” continuing medical education programs by the Council on Medical Education of the American Medical Association or the American Osteopathic Association.

(e) Any course or continuing education program offered by an accredited college or university.

(f) Public and private agencies that provide in-house training and development programs. Only 15 of the required 30 continuing education credit hours shall be met through in-house training and development programs which are not approved by an organization identified in pars. (a) to (e).

(2) Continuing education hours may be awarded for the following professional activities, if relevant to the professional prac-

tice of marriage and family therapy, professional counseling, or social work:

(a) A presenter of professional material shall receive 1 continuing education credit hour per hour of continuing education. A developer of professional material shall receive 1 continuing education credit hour per hour of development of continuing education. A presenter of a semester education course shall receive 20 continuing education credit hours. No additional continuing education credit hours will be granted for subsequent presentations of the same material. A presenter of professional material at any of the following qualifies for continuing education:

1. Seminars, workshops, programs, or institutions approved in sub. (1) (a) to (f).

2. University, college, or vocational technical adult education courses.

(b) Authorship of a published textbook or professional resource book. Authors of a book shall receive 20 continuing education credit hours.

(c) Authorship of a published chapter in a textbook or professional resource book, or a professional journal article. Authors of chapters or articles shall receive 8 continuing education credit hours. No more than 16 continuing education hours may be obtained for authorship of chapters or articles.

(d) Authorship of alternative or electronic media or computer software. Authorship of these materials shall receive 8 continuing education credit hours. No more than 16 continuing education hours may be obtained for authorship of alternative or electronic media or computer software.

**History:** CR 13-117: cr. Register February 2015 No. 710, eff. 3-1-15; corrections in (1) (f), (2) (a) 1. made under s. 35.17, Stats., Register February 2015 No. 710.

**MPSW 19.04 Postponement, waiver, and exemption.** (1) A credential holder may apply to the section for a post-

ponement or waiver of the requirements of this chapter on grounds of prolonged illness, disability, or other grounds constituting extreme hardship. The section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(2) The section may grant an exemption from the requirements of this chapter to a credential holder who certifies to the section that the credential holder has retired and no longer uses the title “marriage and family therapist,” “professional counselor,” “social worker,” “advanced practice social worker,” “independent social worker,” or “clinical social worker,” and no longer practices marriage and family therapy, professional counseling, or social work. The credential holder’s status will change to non-practicing.

(3) A credential holder who has been granted an exemption due to retirement may not return to the active practice or use the title without submitting evidence satisfactory to the section that the credential holder has completed at least 30 continuing education credit hours for each of the biennia during which the credential holder was granted an exemption.

**History:** CR 13-117: cr. Register February 2015 No. 710, eff. 3-1-15.

**MPSW 19.05 Record retention and audits.** A credential holder shall retain for a minimum period of 4 years and shall make available to the board, or its agent upon request, documentation of publication or certificates of attendance issued by the program sponsor for all continuing education programs for which the credential holder claims credit for purposes of renewal of the credential. The certificate shall include the name of credential holder, date, provider name, hours, and title of program.

**History:** CR 13-117: cr. Register February 2015 No. 710, eff. 3-1-15; CR 17-094: r. (2) Register July 2018 No. 751, eff. 8-1-18; renum. (1) to MPSW 19.05 under s. 13.92 (4) (b) 1., Stats., Register July 2018 No. 751.

## Chapter MPSW 20

### CONDUCT

MPSW 20.01 Definition.

MPSW 20.02 Unprofessional conduct.

**Note:** Chapter SFC 20 was created as an emergency rule effective April 26, 1993.

**Note:** Chapter SFC 20 was renumbered ch. MPSW 20 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562. Chapter MPSW 20 was reprinted Register November 2011 No. 671 to correct a Register date clerical error made in the Register December 2005 No. 600 printing.

**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.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93.

**MPSW 20.02 Unprofessional conduct.** Unprofessional conduct related to the practice under a credential issued under ch. 457, Stats., includes, but is not limited to, 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, sex, religion, creed, national origin, ancestry, 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 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; or

(c) If necessary to prevent injury to the client or another person;

(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; or

(f) When required pursuant to federal or state statute.

(11) Engaging in sexual contact, sexual conduct, or any other behavior with a client which could reasonably be construed as seductive. For purposes of this rule, a person shall continue to be a client for 2 years after the termination of professional services.

(12) Failing to provide the client or client's authorized representative a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

(13) Failing to avoid dual relationships or 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.

(14) Failing to conduct an assessment, evaluation, or diagnosis as a basis for treatment consultation.

(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 inform study participants of all features of the research that might reasonably be expected to influence willingness to participate; failure to ensure as soon as possible participants' understanding of the reasons and justification for methodological requirements of concealment or deception in the study; failure to protect participants from physical or mental discomfort, harm or danger, or to notify the participant of such danger; and failure 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 a client in the course of a professional relationship. A credential holder providing clinical services to a client shall maintain records documenting an assessment, a diagnosis, a treatment plan, progress notes, and a discharge summary. All clinical records shall be prepared in a timely fashion. Absent exceptional circumstances, clinical records shall be prepared not more than one week following client contact, and a discharge summary shall be prepared promptly following closure of the client's case. Clinical records shall be maintained for at least 7 years after the last service provided, unless otherwise provided by federal law.

(19) Violating any of the provisions of ch. 457, Stats.

(20) Failing to notify the board that a license, certificate or registration for the practice of any profession previously issued to the credential holder has been revoked, suspended, limited or denied, 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 license, registration, or certificate permitting the practice of marriage and family therapy, professional counseling, or social work, or authorizing the use of the title “marriage and family therapist,” “professional counselor,” “social worker”, or similar terms revoked, suspended, limited, or subjected to any other discipline, by any other jurisdiction.

**History:** Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-026: am. (13), Register December 2001 No. 552, eff. 1-1-02; CR 02-105: am. (intro.) (1), (4), (9), (15), (17), (20), (21) and (23), Register October 2002 No. 562, eff. 11-1-02; CR 05-043: am. (18) Register December 2005 No. 600, eff. 1-1-06.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Division of Policy Development Staff		<b>2) Date When Request Submitted:</b> 1/8/2019 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> All Boards, Committees, Councils and Sections			
<b>4) Meeting Date:</b> 1 <sup>st</sup> Available Date	<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> Board Review of the Wisconsin Occupational Licensing Study Legislative Report	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Board discussion.			
<b>11) Authorization</b>			
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			
<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.			



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# **Wisconsin Occupational Licensing Study**

## **Legislative Report**

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**Submitted by:**  
**Department of Safety and Professional Services**

**December 2018**

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**Scott Walker, Governor**  
**Laura Gutiérrez, Secretary**

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December 28, 2018

The Honorable Scott Walker  
Wisconsin Governor  
115 East Capitol  
PO Box 7863  
Madison, WI 53707

Jeff Renk, Senate Chief Clerk  
Wisconsin State Legislature  
State Capitol, Room B20 Southeast  
PO Box 7882  
Madison, WI 53707

Patrick E. Fuller, Assembly Chief Clerk  
Wisconsin State Legislature  
17 West Main Street, Room 401  
PO Box 8952  
Madison, WI 53708

Dear Governor Walker and Chief Clerks Renk and Fuller:

The Wisconsin Department of Safety and Professional Services (DSPS) is charged with overseeing and regulating over 240 different types of credentials and the examining boards, affiliated boards, and councils that are required by Wisconsin State Statutes.

I have had the pleasure of leading this great agency since February 2017, and I am pleased to provide to Governor Scott Walker and the Wisconsin State Legislature a comprehensive report of our analysis of the occupational licenses regulated in Wisconsin.

DSPS was charged in 2017 Wis. Act 59 to complete a comprehensive review of Wisconsin's credentials and provide recommendations based on a variety of criteria by December 31, 2018.

I would like to thank the staff at the DSPS who have contributed countless hours to researching and extrapolating data related to not only Wisconsin's credentials, but those occupations licensed in other states. I would also like to thank the staff and leadership of those Wisconsin state agencies who contributed to the report research and data related to the occupations they credential.

Thank you,

Laura E. Gutiérrez  
Secretary  
Wisconsin Department of Safety and Professional Services

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## II. Introduction

### A. Requirements of 2017 Wisconsin Act 59

Wisconsin's 2017–19 biennial state budget, 2017 Wisconsin Act 59, required the Department of Safety and Professional Services (DPS) to study occupational licenses and submit a report of findings to the Governor and Legislature by December 31, 2018.

The Act defines occupational license as:

(a) A license, permit, certification, registration, or other approval granted under section 167.10 (6m) or chapters 101, 145, or 440 to 480 of the statutes. (These statutes relate to building safety, plumbing, fire protection, fireworks, and professional occupations under DPS, including the occupations regulated by the boards attached to DPS.); or

(b) A license, permit, certification, registration, or other approval not included under par. (a) if granted to a person by the state in order that the person may engage in a profession, occupation, or trade in Wisconsin, or in order that the person may use one or more titles in association with his or her profession, occupation, or trade.

Pursuant to section 9139 (17w) of 2017 Wisconsin Act 59, the report is to include recommendations for the elimination of occupational licenses based on the following:

- 1) An evaluation of whether the unregulated practice of the profession, occupation, or trade can clearly harm or endanger the health, safety, or welfare of the public, and whether the potential for the harm is recognizable and not remote or speculative;
- 2) An evaluation of whether the public reasonably benefits from the occupational license requirement;
- 3) An evaluation of whether the public can be effectively protected by any means other than requiring an occupational license;
- 4) An analysis of whether licensure requirements for the regulated profession, occupation, or trade exist in other states;
- 5) An estimate of the number of individuals or entities that are affected by the occupational license requirement;
- 6) An estimate of the total financial burden imposed on individuals or entities as a result of the occupational licensure requirement, including education or training costs, examination fees, private credential fees, occupational license fees imposed by the state, and other costs individuals or entities incur in order to obtain the required occupational license;
- 7) Any statement or analysis provided by the agency or board administering the occupational license; and
- 8) An evaluation of the tangible or intangible barriers people may face in obtaining an occupational license.

## B. About the Report

This report consists of findings and recommendations from a statewide occupational licensure study that was conducted by DSPS. The purpose of the study was to offer recommendations to the legislature based on the requirements of 2017 Wisconsin Act 59. This report includes data and information from DSPS and other state agencies and boards with responsibility for regulating occupational licenses issued by the State of Wisconsin.

Pursuant to 2017 Wisconsin Act 59, DSPS was directed to provide recommendations for the elimination of occupational licenses based on established criteria set forth in the legislation. This report includes recommendations for the elimination and reform of 28 occupational licenses. It is recognized that any change to state law would be accomplished through the legislative process, which would include an opportunity for stakeholders and the public to provide input and comments at public hearings.

Wisconsin issues four different types of credentials, which are: *licenses, certificates, registrations, and permits*. All types collectively are commonly referred to as *credentials*. For the purposes of this report, the various types are generically referred to as a *license*, unless otherwise specified.

In addition, inaccuracy and misinterpretation are often found in the use of the terms *license, certification, registration, and permit*. Unfortunately, these terms are sometimes used interchangeably, resulting in confusion. Often what appear to be occupational licenses are actually business licenses. Occupational licenses are issued to individuals giving them the right to practice, whereas business licenses are issued to companies.<sup>7</sup>

This report only focuses on individual occupational licenses that fall under the definition of *occupational license* pursuant to 2017 Wisconsin Act 59. This report does not include entity, facility or business-related licenses, or other non-occupational type permits issued by the state of Wisconsin. While there are several state agencies that issue permits and other types of entity or business type licenses, only the agencies and the occupational licenses they administer are included in this report. Additionally, this report does not include licenses, certifications, permits, or registrations issued by local municipalities, counties, professional or trade organizations, or by the federal government.

The data presented in this report represents best efforts in the collection of data and information. Not all state regulatory agencies provided DSPS with comparative data for all 50 states as requested. Therefore, only the data that was made available is included in this report. Where available, comparable data was searched in all 50 states, including Washington, D.C., which is counted as a state for the purposes of this report. Due to a lack of available data, the report may exclude Washington, D.C. for some occupations.

In order to fill gaps with the lack of available data, data collectors researched information from news articles, trade and professional organizations, state and national research organizations, and other reputable sources. Data collectors found that occupational licensing information was difficult to come by for many states and a searchable database in a single location was an even rarer find. While there are some state and national databases that are comprehensive, there were several

searches that yielded limited or no useful information or resulted in outdated or unreliable data. Additionally, there appeared to be conflicts between many of the national databases relating to state comparative data, either due to the everchanging reforms or the ongoing licensing of new occupations. Therefore, confirming the validity or relying on data from these other out-of-state sources proved to be challenging.

Some states allow public access to a comprehensive occupational licensing directory that includes information such as job descriptions, licensing requirements, appropriate regulatory agency and contact information, wage data, number of active licensees, and authorizing statutes. However, this information was a rarity rather than the norm. In most states, occupational licensing information was contained over different web pages in different locations without links to connect these resources resulting in challenges to find similar occupational titles. Even in cases where the titles were similar in nature, the requirements varied vastly.

Some states defined occupational categories more broadly than others. For example, while one state may require licenses for *contractors* (of all kinds), others may require licenses for several specializations of contractors. Wisconsin issues licenses for seven classes of blasters, which determines which duties may be conducted, while several states issue only one blaster category or may have an “umbrella” licensure type. Therefore, this report may contain limited comparative data for some occupations. In other cases, similar occupation types were combined to form more general occupational licensing categories.

The occupational licensing data contained in this report is quantitative, not qualitative. The criteria used by data collectors was to determine whether or not a state requires a license for a comparable occupation. Although an attempt was made to compare other licensing requirements (fees, initial and continuing educational requirements, reciprocity, etc.) from one state to another, the information was not always available for all licensure types and thus is not included in this report.

Additionally, this report may also reflect an underrepresentation (undercount) of a license’s regulation in another state due to the difference in the state’s definition of the occupation. This study analyzed licensing requirements at the state level only. There are numerous other requirements at the local and federal levels in most states, which may also attribute to the inconsistencies between various databases and to the number of licensed occupations that may appear to be undercounted.

Lastly, governments across the country are continuously licensing more and new occupations. While it is rare that states abolish licensing requirements, there are several states that are currently undergoing occupational licensing reform. Because of this, state comparative data contained in this report may not reflect the current licensure status in that state.

## C. About the Statewide Occupational Licensing Study

To meet the requirements of 2017 Wisconsin Act 59, DSPS conducted a statewide study to determine which occupational licenses are needed to protect the public and explore areas where less restrictive alternatives may be appropriate. To assist with the collection of data, a 30-question survey was disseminated in early 2018 to all 35 state agencies, as shown in Table 1. Each agency was tasked with consulting their legal counsel to determine if their agency regulates licenses that fall under the *occupational license* definition pursuant to 2017 Wisconsin Act 59.

Of the 35 state agencies, responses revealed that 13 agencies regulate at least one license type. Of the 13 regulatory agencies, 11 agencies submitted data requested in the survey. Following an analysis of the submitted data, some license types were eliminated if it was determined that the license or permit was a business or firm and not related to an occupational license held by an individual. Therefore, this report contains an evaluation of the information supplied by 10 state regulatory agencies.

State agencies with regulatory responsibilities were asked to gather information relating to complaints and disciplinary data, educational requirements, fees, and other related costs, how the general public benefits from the regulation of that occupation, identify barriers or burdens associated with each of the regulated occupations, and research existing regulatory requirements in other states.

Lastly, agencies were asked to provide a summarizing statement to attest that the current level of governance was appropriate for each license type, if the license should be eliminated, or if a less restrictive or alternative reform should be considered while still ensuring public safety and consumer protection. Agency recommendations are included in this report.

**Table 1: List of Wisconsin agencies surveyed for occupational licensing study.**

State Agency	Regulates Occupational Licenses?
Administration, Department of	No
Agriculture, Trade and Consumer Protection, Dept. of	Yes
Children and Families, Department of	Yes
Corrections, Department of	No
Director of State Courts, Office of	Yes*
Educational Communications Board	No
Elections Commission	No
Employee Trust Funds, Department of	No
Ethics Commission	Yes
Financial Institutions, Department of	Yes
Health Services, Department of	Yes
Higher Educational Aids Board	No
Historical Society	No
Insurance, Office of the Commissioner	Yes
Investment Board, State of Wisconsin	No
Judicial Commission	No
Justice, Department of	No
Natural Resources, Department of	Yes
Public Instruction, Department of	Yes*
Public Lands, Board of Commissioners of	No
Public Service Commission	No
Railroads, Office of the Commissioner of	No
Revenue, Department of	Yes
Safety and Professional Services, Department of	Yes
Secretary of State, Office of the	No
State Public Defender	No
Tourism, Department of	No
Transportation, Department of	Yes
University of Wisconsin System	No
Veterans Affairs, Department of	No
Wisconsin Economic Development Corporation	No
Wisconsin Health and Educational Facilities Authority	No
Wis. Housing and Economic Development Authority	No
Wisconsin Technical College System	No
Workforce Development, Department of	Yes
<b>35 Agencies</b>	<b>13 Regulatory Agencies</b>

\* No information received.

In late 2018, a second survey was conducted to gather input from credential holders, members of the public, and stakeholders. This survey was posted on the DSPS website and disseminated to individual credential holders, stakeholders, and provided to the regulatory agencies who submitted data. This survey aimed to solicit feedback about the usefulness credential holders'

*primary* occupational license serves for: 1) getting a job; 2) keeping a job; 3) keeping employees marketable to employers or clients; 4) improving work skills; and 5) increasing wages or salary. Survey questions also asked credential holders to estimate the costs they incurred, hours of instruction required, and hardships or barriers they faced to obtain and retain their *primary* occupational license.

The survey asked credential holders, stakeholders, and non-credential holders (public) to rate the importance occupational licenses serve to protect public citizens from harm or danger. Individuals were also given the opportunity to provide specific instances where occupational licensing regulations may have impacted the cost of consumer goods or services. If individuals currently hold a similar license in another state, they were also asked to compare that state’s requirements, costs, and hardships with Wisconsin’s. Lastly, individuals were provided with an opportunity to share any additional comments. The survey results are included later in this report.

#### D. About Occupational Licensing in Wisconsin

Wisconsin’s regulation of occupations affects many professions. Wisconsin issues over one million occupational licenses for 280 different credential types. While DSPS issues 75 percent of the occupational licenses in Wisconsin, there are over a dozen other state agencies, along with attached boards, that also have occupational oversight responsibilities, as shown in Figure 1. Affiliated boards may also have regulatory, credentialing, and examining responsibilities. However, for the purposes of this report, the state agency that administers the occupational license is listed as the regulatory agency.

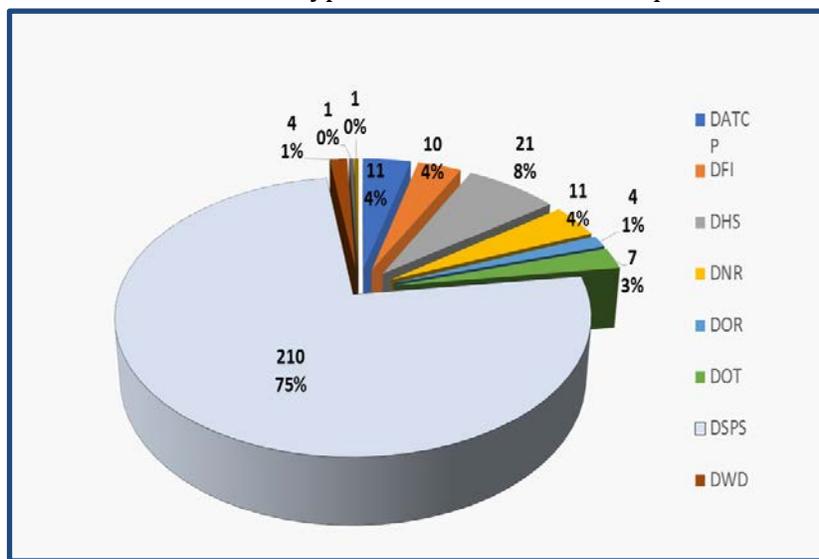


Figure 1: Wisconsin regulated occupational license types issued per state agency.

Occupational licensing in Wisconsin falls into three categories:

- 1) Occupations regulated by independent examining boards attached to a state agency or by affiliated credentialing boards attached to those boards;
- 2) Occupations regulated by semi-autonomous boards that share authority with the state agency; and
- 3) Occupations directly regulated by the state agency.

Wisconsin agencies and attached boards are responsible for ensuring the safe and competent practice of regulated health, social services, business, industry, and trades professionals. In addition to issuing licenses and providing oversight, state regulatory agencies provide administrative, legal, and enforcement services, assist in rulemaking and examinations of the credentialed professions, and

aid the boards in developing regulatory policies that protect the public. The four types of occupational credentials issued include *licenses, certificates, registrations, and permits*. These credentials are generally differentiated by qualification requirements, the use of a professional title, and the range of activities that a credential holder is allowed to perform (i.e. Scope of Practice). While there are additional state agencies that issue other types of permits, or variations of the types listed, for non-occupational or business-related entities, this report only focuses on occupational credentials issued to individuals.

*Licenses* are considered the most restrictive type of credential. Licenses encompass qualification requirements that typically include an examination, specialized education, and usually specific work experience. Cosmetologists, occupational therapists, and electricians are examples of occupations requiring formal licensure in order to practice in Wisconsin.

*Certificates* are similar to licenses. Certificates generally provide special recognition to individuals who have fulfilled certain required criteria for a profession, including successful completion of an examination. Examples of occupations requiring Wisconsin certification in order to practice are acupuncturists, substance abuse counselors, and lead sampling technicians.

*Registration* is generally the least restrictive form of credentialing. Registration simply requires an individual to file with the appropriate regulatory entity their name, address, and registration fee payment. A registration may also restrict the use of a professional title. Examples of occupations requiring Wisconsin registration are interior designers, art therapists, and pipe layers.

*Permits* are another form of credential issued by regulatory agencies. Permits can be used as a training credential or as a primary credential. Examples of occupations requiring a permit are private security persons, limited x-ray machine operators, and juvenile martial arts instructors.

While the distinctions among credentials help in understanding the general level of regulation of occupations, it is the statutes and administrative rule that outline specific requirements for each occupation's credential. Because individuals in certain occupations are required to *register*, this does not necessarily mean that the group is statutorily less restricted than another occupation where individuals must be *certified*. Common usage of credential terms may be misleading without reviewing the relevant statutes. For example, a "*certified* public accountant" and a "*registered* nurse" practicing in Wisconsin are both required to obtain a *license*. To determine what each license issuance entails, it is important to consult the statutes and administrative codes.<sup>5</sup>

## E. Wisconsin Selected for National Occupational Licensing Consortium

Wisconsin was one of 11 initial states chosen to participate in the National Occupational Licensing Learning Consortium, which is a multi-year program that explores ways to further reduce unnecessary barriers to the labor market. Other states selected include: Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Nevada, and Utah.

The consortium is supported by the National Conference of State Legislatures (NCSL), the National Governors Association Center for Best Practices (NGA), and the Council of State

Governments (CSG), as well as support from the U.S. Department of Labor (USDOL). These organizations assist participating states in improving their understanding of occupational licensure issues and best practices by providing an opportunity for state teams to engage with experts in the areas of occupational regulation, workforce development and populations with challenges, and developing a road map focused on reducing unnecessary barriers to the labor market.<sup>8</sup>

The 11 participating states (expanded to 15 states in 2018) convened in December 2017 to begin work on their goals and to learn, network, and discuss the practices, costs, opportunities, and challenges related to occupational licensing. The consortium states were required to create a core team of officials to participate in the consortium as well select members for a home team that consisted of a broader group of stakeholders to participate in the in-state learning and planning activities. Each state was required to select specific occupations and target populations to focus on through this work, as well the aspects of licensure regulation that they wanted to address in their action plan.<sup>8</sup>

The selection of these occupations focused on two primary criteria – occupations that are licensed in at least 30 states and occupations that require less than a bachelor’s degree, as well as two additional measures—projected employment growth rate for 2014-2024 at national average or higher and total current employment levels of 10,000 or greater. Through this process, the consortium identified 34 occupations, as shown in Table 2.

**Table 2: List of occupations selected by the National Consortium.**

TARGET OCCUPATIONS	
Barbers	Pharmacy Technicians
Bus Driver (City/Transit)	Physical Therapy Assistants
Bus Drivers, School or Special Client	Pipefitters and Steamfitters
Construction Managers	Plumbers
Construction and Building Inspectors	Preschool Teachers, Except Special Education
Dental Hygienists	Private Detectives and Investigators
Electricians	Radiologic Technologists
Emergency Medical Technicians and Paramedics	Real Estate Appraisers
Hairdressers, Hairstylists and Cosmetologists	Real Estate Sales Agents
Heating, Air Conditioning, and Refrigeration Mechanics and Installers	Respiratory Therapists
Heavy and Tractor-Trailer Truck Drivers	Security and Fire Alarm Systems Installers
Insurance Sales Agents	Security Guards
Licensed Practical and Licensed Vocational Nurses	Skin care Specialists
Manicurists and Pedicurists	Teacher Assistants
Massage Therapists	Veterinary Technologists and Technicians
Nursing Assistants	Vocational Education Teachers, Postsecondary
Occupational Therapy Assistants	Water and Wastewater Treatment Plant and System Operators

States were required to focus on at least four occupations in their proposed project work, a majority of which must be included on this list. However, states were welcome to include one or more other occupations that are particularly relevant to their state’s occupational licensing landscape and unique needs.<sup>8</sup>

The vision and goals chosen by Wisconsin’s core team were based on the Wisconsin Legislature and Governor Walker’s expressed interest in occupational licensure reform through legislation and proposed budgets. These desires for reform are based on national trends and bipartisan federal recommendations to all states to review their current occupational licensing practices.

Like Wisconsin, some of the states selected to participate in the national consortium had a history of making progress on this issue. Proactively, Wisconsin’s Legislature and Governor had already been looking to alternative ways to license occupations. Wisconsin’s participation in the

national consortium provided the team members with additional opportunities to learn from other progressive states. Inclusion in the consortium, along with this study, also provided an opportunity for Wisconsin stakeholders, such as associations, license holders, other state agencies, and citizens, to provide input and feedback on this issue. The end goal of Wisconsin’s participation in the National Occupational Licensure Consortium is to continue to provide meaningful feedback, data, and facts to legislators and ensure that all partners and stakeholders are included in these statewide conversations. Wisconsin’s consortium goals are listed in Table 3.

**Table 3. Wisconsin’s goals and action plan for the National Occupational Licensure Consortium.**

GOAL	ACTION PLAN
<b>Goal 1: EXAMINE THE STATE’S CURRENT OCCUPATIONAL LICENSING LANDSCAPE</b>	Conduct study of occupational licenses and regulations in Wisconsin and other states, and report findings to state policymakers.
<b>Goal 2: IDENTIFY THE BEST OPPORTUNITIES FOR OCCUPATIONAL LICENSURE REFORM</b>	Determine the specific occupational licenses and regulations that do not align with the team’s vision statement and prioritize in the order of most likely to least likely for achieving success in reducing or eliminating that license or regulation.
<b>Goal 3: DEVELOP A COMMUNICATIONS PLAN</b>	Incorporate research conducted by policy research institutions, as well as feedback from stakeholders and the public, to grow public awareness and expand the base of understanding for stakeholders and state policymakers.
<b>Goal 4: IMPROVE THE STATE’S LICENSING PRACTICES</b>	Provide coordination among state licensing agencies to maximize existing regulatory flexibility and efficiencies, and partner with the state Legislature and stakeholders to advance legislative proposals that promote occupational licensure reform.

### III. National Outlook on Occupational Licensing

#### A. The Rise of Occupational Licensure Laws

In the 1950s, roughly five percent of occupations required a government-issued license. Since then, especially in the past 20 years, states across the nation, including Wisconsin, have witnessed a dramatic growth in occupations that have become regulated.<sup>1</sup> In the last two decades, the number of Wisconsin credential holders has increased by 34 percent, with the total number of professional credential types increasing by over 80 percent. This growth far outpaces Wisconsin's growth in population (10.6 percent) and total employment (7.4 percent).<sup>3</sup>

The national growth of occupational licensing and the barriers it presents to job seekers have attracted mounting bipartisan concern. In recent years, occupational licensing reform has gained momentum. Among policymakers and advocates at both the state and national levels, interest in licensing reform is at an all-time high. Over the past few years, licensing reform has been championed at the state governmental level and by several public policy organizations and state research institutes. While some reforms have aimed at rolling back specific licensing barriers, others have sought to improve licensing practices more generally.<sup>2</sup>

In 2015, the U.S. Treasury Department, the Council of Economic Advisors and the Labor Department under former President Barack Obama issued a report documenting problems with licensing policy and calling for widespread reform. The Bureau of Labor Statistics has been collecting data on licensed workers through its population surveys and in early 2017 the Federal Trade Commission created an Economic Liberty Task Force focused in part on occupational licensing reform.<sup>8</sup>

In July 2017, the U.S. Secretary of Labor under President Donald Trump, highlighted the issue and encouraged state legislators to undertake occupational licensing reform. The Department of Labor's Employment and Training Administration awarded the National Conference of State Legislatures, in partnership with the Council of State Governments and National Governors Association Center for Best Practices, funding on a three-year project to:

- 1) Ensure that existing and new licensing requirements are not overly broad or burdensome and don't create unnecessary barriers to labor market entry.
- 2) Improve portability for selected occupational licenses across state lines. The national partners produced research and convened state policymakers and experts in the field of occupational licensing.<sup>9</sup>

Between 2017 and 2018, several states enacted laws to reform either the state's requirements or procedures to obtain an occupational license, with Wisconsin enacting nearly 30 laws related to strengthening employment growth and occupational licensing reform. (See Section V of this report for a full list of recent occupational licensing legislation.)

While most states enacted bills reducing the requirements and regulations of licenses, some reform efforts focus on addressing concerns certain demographics face when acquiring a license.<sup>1</sup> Some states also reformed requirements for those with criminal backgrounds and some reform bills

contained clauses for military personnel, making relevant experience in the military transferable to an occupational licensing requirement and streamlined the occupational licensing requirements for military spouses who obtained a license in another state.<sup>1</sup>

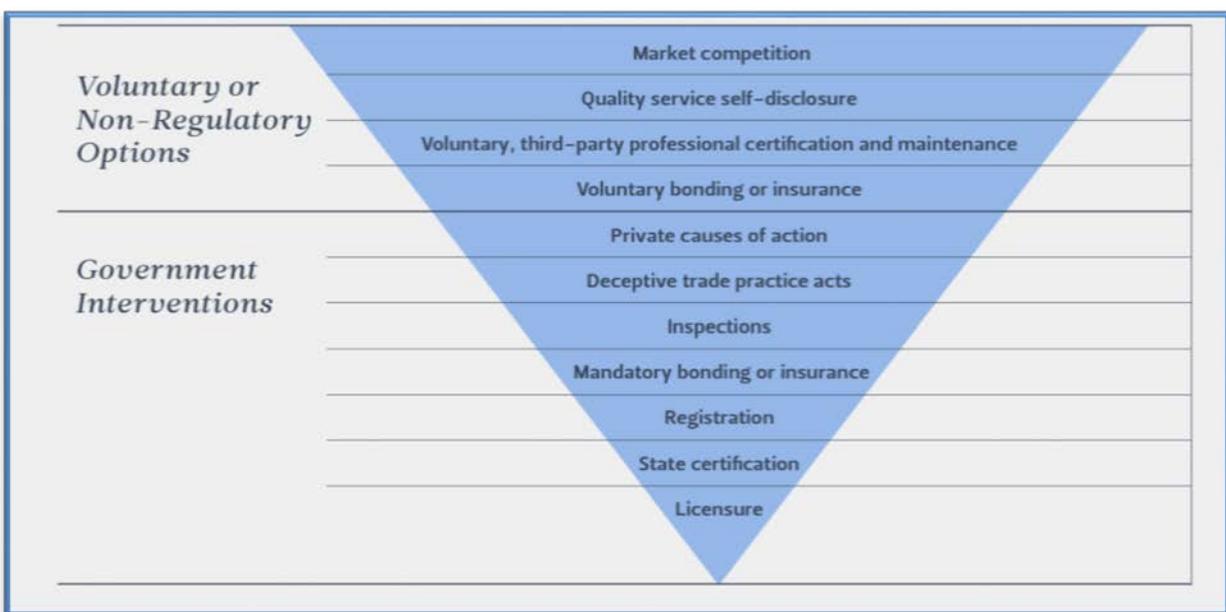
While several states have attempted to enact occupational licensure reform laws, the success rate is still considered low. One study’s research discovered only eight instances in the past 40 years of the successful *de-licensing* of an occupation at the state level. In four of these cases, attempts to relicense the occupations followed soon afterward. Most of these de-licensing proposals have not gone through a sunset review process. Instead, the proposals have been made in the context of legislative concern that excessive government regulation (of which occupational licensing is one example) may have inhibited job growth.<sup>7</sup>

Since the 1970s, approximately 36 sunset laws have passed nationally. These laws require the periodic review of certain programs and agencies (such as occupational licensing and licensing boards). The periodic reviews are commonly called performance audits or legislative audits, and they result in a recommendation to either continue or discontinue the licensing of the occupation under review.<sup>7</sup>

## B. Alternatives to Occupational Licensing

Advocates for occupational licensing reform have indicated that policymakers have several options for the regulation of occupational licensure. The regulatory options include a range from the option to license or not license, the least restrictive being *Market Competition* and the most restrictive being *Licensure*. To illustrate the alternatives, the Institute for Justice created an inverted pyramid figure that visually lists these options from least to most restrictive, as shown in Figure 2, with accompanying explanations of each option.<sup>2</sup>

***The Inverted Pyramid: A Hierarchy of Alternatives to Licensing<sup>2</sup>***



**Figure 2: The “Inverted Pyramid” is used to illustrate alternatives to licensing.**

In many cases, license alternatives can protect the public as well as or better than licensing without imposing its costs. When undergoing occupational reform, many states have adopted the concept of the inverted pyramid or have created a similar concept. The top four options, which can be considered voluntary or “non-regulatory,” are:

**1) Market competition.** Market competition takes the primary position in the inverted pyramid’s hierarchy because open markets with no or limited government intervention provide the widest range of consumer choices, allocate resources more efficiently and give businesses strong incentives to keep their reputations as providers of high-quality services. When service providers are free to compete, consumers weed out providers who fail to deliver safe and quality service. They do this by 1) denying repeat business to such service providers; and 2) telling others about their experience.<sup>2</sup>

**2) Quality service self-disclosure.** Service providers themselves can help solve the “information problem” through self-disclosure—that is, by proactively sharing information about how previous customers have rated the quality of their goods and services. Occupational practitioners can link to third-party evaluation sites from their websites to provide consumers with an important competitive “signal” that they are open to disclosure regarding their service quality. Practitioners without websites can exercise this option by providing prospective customers with lists of past customers or other references who can provide information about them. And consumers can spur disclosure by demanding such information as a condition of doing business.<sup>2</sup>

**3) Voluntary, third-party professional certification and maintenance.** Another way a service provider can help address the problem of asymmetrical information is by voluntarily pursuing and maintaining certification from a non-governmental organization. Like licensing, third-party certification sends a signal that an occupational practitioner has attained a certain degree of education or experience. But unlike licensing, it does so without creating any barriers to entry. It therefore provides the purported benefits of licensing while avoiding the pitfalls, including higher costs and fewer services for consumers. Third-party certification is used by many companies to voluntarily make certain certifications a requirement for employment.<sup>2</sup>

**4) Voluntary bonding or insurance.** Some occupations pose greater risks to consumers than others. Voluntary bonding and insurance allow practitioners of such occupations to outsource management of risks to bonding or insurance companies, which will provide a guarantee of protection against, respectively, a provider’s failure to fulfill an obligation (e.g., a moving company’s failure to deliver goods by the agreed date) or losses from theft or damage by the provider. This option is already in common use among temporary personnel agencies, janitorial companies, and companies with government contracts.<sup>2</sup>

The next six options are government interventions that, although more restrictive than the non-regulatory options above, are nevertheless less restrictive than licensure:<sup>2</sup>

**5) Private causes of action.** Private causes of action give consumers the right to bring lawsuits against service providers who have injured them. Where they do not already exist, legislators can create them. The existence of such rights may compel providers to adopt standards of quality to avoid litigation and an accompanying loss of reputation. The cost to consumers of obtaining

a remedy could be reduced by allowing them to sue in small claims court or, if suing in district court, to collect court and attorneys' fees when their claims are successful.<sup>2</sup>

**6) Deceptive trade practice acts.** All 50 states and the District of Columbia already have deceptive trade practice acts, consumer protection laws that allow attorneys general and consumers to sue service providers engaged in certain practices deemed false, misleading, or deceptive and permit enforcement agencies to prosecute them. Such deceptive trade practice acts are an important and frequently used means of protecting consumers from predatory and unscrupulous business practices.<sup>2</sup>

**7) Inspections.** Inspections are already common in some settings. For example, many municipalities use inspections to ensure restaurant hygiene, favoring them over onerous licensing of food preparers, wait staff, and dishwashers. In other settings where the state may have a legitimate interest in instrument or facility cleanliness, inspections may be sufficient and preferable to new or existing licensing. Periodic random inspections could also replace the licensing of various trades, such as electricians, carpenters, and other building contractors, where the application of skills is repeated and detectable to the experienced eye of an inspector. Where inspections are already used as a complement to licensing, states may find that inspections alone suffice.<sup>2</sup>

**8) Mandatory bonding or insurance.** For some occupations, a system of mandatory bonding or insurance can be a better alternative to full licensure. Voluntary bonding or insurance is generally preferable, but states may prefer a mandatory requirement when the risks associated with the services of certain firms extend beyond just the immediate consumer. For example, the state interest in regulating a tree trimmer is in ensuring that the service provider can pay for repairs in the event of damage to power lines or the home or other property of a party—a neighbor, for instance—not involved in the contract between the firm and the consumer. Because tree trimming presents few other threats, states can achieve this objective through bonding or insurance requirements while allowing workers to otherwise practice freely. Similarly, while many states require construction contractors to comply with expensive and burdensome licensing laws, Minnesota requires only bonding for HVAC contractors. If that occupation can be practiced freely and safely with only bonding as a requirement, the same is likely true of other trades both in Minnesota and in other states.<sup>2</sup>

**9) Registration.** Registration requires service providers to provide the government with their name, address, and a description of their services. Registration can complement private causes of action because it often requires providers to indicate where and how they take service of process in the event they are sued. However, the simple requirement to register with the state may be sufficient in and of itself to deter bad actors.<sup>2</sup>

**10) State certification.** Like voluntary, third-party certification, state certification overcomes the problem of asymmetrical information by sending a signal to potential customers and employers that an occupational practitioner meets certain standards. However, state certification differs from third-party certification in two major respects. First, the certifying body is the government rather than a private association. And second, state certification restricts the use of an occupational title—though not, as licensing does, the practice of an occupation. Under state certification, anyone can work in an occupation, but only those who meet the state's qualifications can use a designated title, such as certified interior designer or certified financial planner. Third-

party certification is generally preferable because state certification requires new or expanded government bureaucracy, which comes with costs. Further, third-party organizations are likely to be more responsive to industry and consumer trends. Nevertheless, state certification is less restrictive than occupational licensing and presents few costs in terms of increased unemployment and consumer prices.<sup>2</sup>

Finally, at the bottom of the inverted pyramid's hierarchy is licensure, the most restrictive form of occupational regulation. Only where there is proof of demonstrated, substantial harms from an occupation that cannot be mitigated by one of the less restrictive options in the above menu should policymakers consider this regulation of last resort.<sup>2</sup>

### C. Economic Impacts of Occupational Licensing

Research has found that licensing reduces access to jobs, inhibits geographic mobility, and raises the costs of services. Studies indicate that unnecessary licensing requirements reduce employment in licensed occupations and reduce wages for unlicensed workers relative to their licensed counterparts. These studies show that occupational licensing requirements present significant barriers to entering a licensed occupation and can reduce total employment in that profession.<sup>9</sup>

Occupational licensing often carries a cost in terms of opportunity. Wisconsin has several licenses that few other states regulate. For some occupations, Wisconsin's fees, and training requirements, are markedly different and more burdensome from other states. In terms of reciprocity, Wisconsin does not always accept the credentials of licensed professionals who happen to move from another state. In other words, Wisconsin's licensing requirements impose costs to the workforce—many who are of low and middle income—that do not exist in many other states.<sup>3</sup>

While the intent of occupational regulation is to protect the public from harm, some Wisconsin stakeholders agree this protection comes at a cost and burden to credential holders. One such stakeholder, who is a director of nurses, feels policymakers should remove burdensome regulations for Certified Nurse Aides (CNA). For example, Minnesota requires 70 hours of training. Her recommendation is to allow training requirements for certification to be accepted in Wisconsin if the individual trained in Minnesota. Also, current regulations do not allow CNAs under the age of 18 to operate mobility equipment (lifts and stands) alone. This stakeholder feels individuals old enough to drive a car should be able to move residents with this type of equipment. Additionally, the stakeholder wants Wisconsin to accept the testing at the conclusion of the CNA course instead of the cumbersome requirement to find a testing site to get certified, which require some students to travel up to 100+ miles and wait weeks or months to find a testing site to schedule their test in order to get certified to then be placed on the registry.

## D. Protection of Public Health, Safety, and Welfare

The intent of occupational licensure is to safeguard public health and safety and protect consumers by guaranteeing minimum educational requirements and industry oversight, support career development and pathways for licensed workers and enhanced professionalism for licensed workers, and step in when competitive market forces (e.g. litigation or reputation) fail to achieve desired outcomes.<sup>9</sup>

However, many studies have found that unnecessary licensing requirements reduce employment in licensed occupations, reduce geographic mobility, reduce wages for unlicensed workers relative to their licensed counterparts, reduce market competition and innovation, increase the price of goods and services, and disproportionately burden low-income, military veterans and their families, people with criminal history, immigrants with work authorization, and dislocated and unemployed workers.<sup>9</sup>

Researchers have found little evidence that licensure improves the quality of services or protects consumers from harm. In fact, evidence suggests that the most onerous licensure laws may lead to lower-quality services and increased public safety risks.<sup>9</sup> Licensing reduces the supply of service providers while simultaneously increasing the average operating costs for professionals. The result of limited consumer choice and increased prices could be that consumers forego necessary services because prices are too high, or no one is available for hire. This situation can pose a threat to public safety in certain occupations. For example, the inability to legally hire an electrician for repairs may lead to electrocution or fire. Similarly, licensing that limits the supply and increases the cost of veterinarians may prevent animal owners from vaccinating against contagious diseases like rabies.<sup>9</sup>

According to several studies, research revealed little tangible evidence of public benefit. In theory, licensing should improve the consumer experience and protect public health and safety by weeding out incompetent practitioners, especially in fields where consumers might be unable to tell good providers from bad ones on their own. Yet most research has failed to find a connection between licensing and service quality or safety.<sup>2</sup>

When implemented appropriately, licensing can offer important health and safety benefits and consumer protections and provide workers with clear professional development and training guidelines, as well as a career path.<sup>9,10</sup> For decades, policymakers have adopted licensure policies to achieve a variety of goals. The Federal Trade Commission's 1990 report on the costs and benefits of licensure found that well-designed occupational licensing "can protect the public's health and safety by increasing the quality of professionals' services through mandatory entry requirements—such as education—and business practice restrictions—such as advertising restrictions."<sup>9,11</sup> The report found that occupational licensing helps consumers when they cannot easily assess the professional's skills, and when the costs related to poor quality are especially high, as is the case with emergency health care providers. Economist Jason Furman testified to Congress in 2016 that the argument for licensing "is strongest when low-quality practitioners can potentially inflict serious harm, or when it is difficult for consumers to evaluate provider quality beforehand." Furman points out that the threats to consumers from incompetent commercial pilots and physicians justify a government

intervention; whereas, they face less harm and are better able to assess the quality of florists, barbers, or decorators.<sup>9,12</sup>

Today's information-sharing economy and the growth of online consumer review websites help consumers evaluate provider quality and reputation. The enhanced access to information and strong provider incentives to deliver high-quality services bolster claims by experts that alternate regulatory approaches could achieve the same goals as licensing.<sup>9</sup> Harvard and Stanford researchers found that, while licensure is not directly associated with improved quality of goods or services, there is a relationship between licensing and increased consumer confidence that can lead to increased economic activity. Additionally, the study argues that licensure can lead to consumers becoming more informed about the licensed service, which makes it more likely that they will "upgrade to higher quality services." As a result, the researchers find an indirect improvement in the average level of quality provided in a market because of licensing.<sup>9</sup>

While survey responses from state agencies unveiled very few cases in Wisconsin where the public was harmed, many agencies attested that the public does benefit from regulatory oversight and the licenses they regulate are warranted for the protection of public health, safety, and welfare. In some cases, regulatory state agencies acknowledged that certain licensed occupations were of no public benefit and felt that deregulating these would not affect consumers, and therefore, recommended to eliminate them.

## E. Evaluation of Barriers to Licensure

A report by the Institute for Justice (IJ) suggests that numerous occupations in various states are licensed unnecessarily. Among the occupations listed were: auctioneer, funeral attendant, and interior designer. Most of these occupations are licensed by only a handful of states, including Wisconsin. Proponents of occupational licensure reform make the argument that if a license were necessary to protect public health and safety, one would expect to see greater consistency in which occupations are licensed across states. For example, only seven states license tree trimmers, but it is highly unlikely that trees in those states—or the tasks required to trim them—are any more complex or dangerous than those in the other 44 that require no license.<sup>2</sup>

On average, the 102 occupations studied by the IJ are licensed by just 27 states. Only 23 of these occupations are licensed by 40 states or more. The vast majority of these occupations are practiced in at least one state without need of permission from the state and without evidence of widespread harm.<sup>2</sup> The IJ report cites that legislators rarely create licenses at the behest of consumers seeking protection from a

### **Benefits and Costs<sup>8</sup>**

#### **The intent of occupational licensure is to:**

- Safeguard public health and safety
- Protect consumers by guaranteeing minimum educational requirements and industry oversight
- Support career development and pathways for licensed workers and enhanced professionalism for licensed workers
- Step in when competitive market forces (e.g., litigation or reputation) fail to achieve desired outcomes

#### **However, unnecessary licensing requirements have been found to:**

- Reduce employment in licensed occupations
- Reduce geographic mobility
- Reduce wages for unlicensed workers relative to their licensed counterparts
- Reduce market competition and innovation
- Increase the price of goods and services
- Disproportionately burden low-income populations, military veterans and families, people with a criminal history, immigrants with work authorization, and dislocated and unemployed workers.

demonstrated threat to health and safety from an occupation. Instead, they most often create licenses in response to lobbying by those already at work in an occupation and their industry associations.<sup>1</sup>

Several studies have shown that such regulations disproportionately harm the low income and minority populations, who generally have less work experience and fewer employment opportunities than the rest of the population. These studies show that laws that make it more difficult for these populations to obtain certain jobs or start their own businesses only make it that much harder for them to work their way up the economic ladder.<sup>6</sup>

According to a report by the Reason Foundation, the low income populations, who are in most need of economic opportunity and can least afford to jump through regulatory hoops, are harmed by prohibitively costly licensing requirements.<sup>6</sup> Many occupations that would otherwise be attractive options for those looking to improve their economic position and quality of life—including entry-level positions, jobs that require little or no formal education, and businesses that require little start-up capital for entrepreneurs—are needlessly regulated and price the poor out of the market. Thus, they must settle for fewer (and less desirable) jobs and lower wages, and the poorest of the poor are prevented from getting back on their feet.<sup>6</sup>

## IV. Occupational Licensing Study and Survey Results

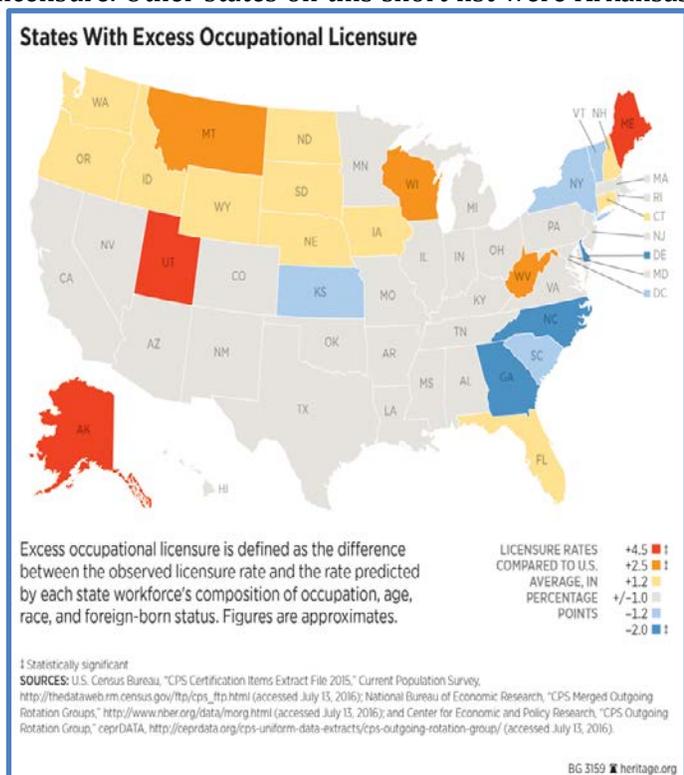
### A. How Wisconsin Compares to Other States

A 2017 study by the Institute for Justice (IJ) found that Wisconsin licenses 42 of the 102 low- and medium-wage occupations selected for the study.<sup>2</sup> The report ranked Wisconsin as the 36<sup>th</sup> *most broadly and onerously licensed* state in the nation and the 42<sup>nd</sup> *most burdensome*. According to the IJ report—*Licensed to Work, 2<sup>nd</sup> Edition*—Wisconsin’s licensing laws require, on average, \$259 in fees, 214 days of education and experience, and around one exam.<sup>2</sup> A report published by the Reason Foundation in 2007 ranked Wisconsin as the 9<sup>th</sup> highest state in the nation to license the most job categories, only behind California, Connecticut, Maine, New Hampshire, Arkansas, Michigan, Rhode Island, and New Jersey.<sup>6</sup>

Wisconsin's National Rankings		
42	42nd	36th
Number of lower-income occupations licensed	Most burdensome licensing laws	Most broadly and onerously licensed state

Source: Institute for Justice, License to Work 2nd Edition

According to 2016 data from the U.S Census Bureau, Wisconsin is among the states identified as having the most excessive occupational licensure. Other states on this short list were Arkansas, Maine, and Utah—as the top three—with Montana and West Virginia joining Wisconsin to round out the top six. The data also identifies Wisconsin as a state with a high percentage of licensed workforce. According to data from the Wisconsin Department of Workforce Development, nearly 3.1 million people are employed in Wisconsin. Although Wisconsin issues over one million occupational licenses, some credential holders are not required to hold an occupational license by their employer. Rather, they voluntarily choose to hold one or more occupational license for a variety of reasons. Nevertheless, license types have increased nearly 85 percent over the past 20 years. This growth outpaces the national average and outpaces Wisconsin’s growth in population.<sup>3</sup>



Wisconsin issues several occupational license types that are unique to Wisconsin or are regulated by only a handful of other states, many of which are being recommended for elimination. Nearly 60 license types that are currently licensed in Wisconsin were found to be regulated in less than 10 other states. For example, interior designers are only regulated in four other states. DSPS regulates seven classes of blasters, whereas few states regulate more than one class. No other state besides Wisconsin regulates Designer of Engineering Systems. Only one other state regulates Dance Therapists and just a few others regulate Art Therapists and Music Therapists.

Additionally, Wisconsin regulates several “sub-specialty” type occupations that were not found to be regulated in other states, if at all. For example, DSPS administers licenses for “assistants”, “helpers”, and “trainers”. These license types are most prevalent in the trades occupations (electrician, plumber, fire sprinkler, and elevator categories), and social services professions (therapists and social workers).

In addition to DSPS, other state regulatory agencies also regulate occupations that fall in the “unique to Wisconsin” category. For example, Department of Agriculture, Trade and Consumer Protection (DATCP) administers three license types that are not regulated by any other state, including cheesemakers. As *America’s Dairyland* and the *Cheese Capitol* of the world, one may think it’s only logical for Wisconsin to be the only state in the country to require its cheesemakers to be licensed in order to make cheese in a licensed facility for public sale. According to DATCP, to become a licensed cheesemaker, individuals are required to have one of five different experience options, complete 240 hours interning under a licensed cheesemaker, and pass an exam.

Wisconsin is also the only state in the nation to license buttermakers. According to DATCP, to become a licensed buttermaker, individuals are required to pass an exam plus have one of six different experience options, complete 120 hours of internship under a licensed buttermaker plus department-approved courses. With only 43 licensed buttermakers in Wisconsin, proponents of change say this places Wisconsin’s butter industry at risk.<sup>14</sup>

Additionally, DATCP administers three other licenses that few states regulate. In all states but Wisconsin, a humane officer is regulated at the county level. A veterinarian-faculty license is only licensed by four other states, and the veterinarian-temporary consulting permit is only regulated by one other state. Both latter licenses are recommended for elimination.

Under the licenses administered by the Department of Workforce Development, no other states regulate a certified private rehabilitation specialist or require a “License to Appear at a Worker’s Compensation Hearing Agent/Representative”. Only one other state regulates Registered Private Employment Agents. Consequently, all three of these occupations are also being recommended for elimination.

## B. State Agency Survey

As mentioned in the introductory section of this report, two surveys were conducted as part of the Wisconsin Occupational Licensing Study, with the first issued to state agencies. This report contains information and recommendations from 10 of the 13 state regulatory agencies.

In addition to a request to supply certain data related to each of the licenses they administer, each agency was asked to provide a summary statement to attest if the license should be retained and is appropriate to protect consumer health, safety, and welfare. Most agencies felt the licenses they currently administer were appropriate to protect consumers and that the public benefits from the regulation of the occupation.

The Department of Agriculture, Trade and Consumer Protection (DATCP) relayed that while there was no quantitative data available for buttermakers or cheesemakers, it is logical to assume that the common baseline requirements for buttermakers and cheesemaker increase knowledge of the proper procedures for making consistent, high-quality, safe butter and cheese. Over a five-year period, DATCP received no complaints against either occupation. DATCP indicated some industry advocates want the agency to retain the regulation of these occupations.

The Department of Financial Institutions (DFI) feels the regulation of their occupational licenses helps to protect the public from misappropriation, excessive fees, theft, and fraud, enables the delivery of clear and informative information, and ensures the consumer receives the services for which they paid. Like DFI, many of the occupations licensed by state regulatory agencies must also abide by federal regulations.

In the case of certified nurse aides, the Department of Health Services (DHS) stated that federal legislation (Omnibus Budget Reconciliation Act of 1987) and associated regulations (42 CFR 483.152) require that Medicare and Medicaid-certified nursing homes employ nurse aides who are trained and evaluated through training programs approved by their state. Federal regulations require that these training programs consist of at least 75 hours of training, including at least 16 hours of supervised practical or clinical training. Federal regulations also list the subject areas and skills to be taught, outline the qualifications for approved trainers, define the competency evaluation process, and require that each state establish and maintain a registry of nurse aides. Wisconsin statutes and administrative rules establish training, testing, and registry requirements. Supported by several Wisconsin organizations and associations, the minimum 75-hour nurse aide training course was increased in Wisconsin to 120 hours, including 32 hours of hands-on clinical training.

Referring to the emergency medical practitioner licenses, DHS stated that licensing and regulation helps to ensure the public can continue to trust that their emergency medical service practitioners are competent and trustworthy professionals.

This was the common theme from stakeholders and advocacy groups for the medical and health related occupations. A letter and report received by the Wisconsin Society for Respiratory Care states that their related occupational licenses benefit the health and safety of Wisconsin patients and that licensure ensures services, including life-sustaining procedures, provided to patients are performed by practitioners who meet high standards of accredited education and competency.

The Department of Natural Resources (DNR) feels the licensing and regulation of their occupations are necessary to assure these individuals and businesses have the training, resources, and experience required to properly provide services as defined by state regulations. For example, water testing by itself cannot serve as a substitute for proper well grouting and construction that are performed by well drillers and pump installers. The presence of contaminants in water can lead to health issues and cause contamination of the groundwater resource and without certification and licensing, there are risks to public health and the environment.

The Department of Revenue (DOR) feels the regulation of assessors is a minimal cost to the assessor and a great benefit to the public. The certification provides a mechanism for DOR to enforce Wisconsin's uniform taxation clause and require assessors to implement laws and standards.

The Department of Transportation (DOT) feels that current licenses issued by their department provide safeguards to industry partners and the public. The regulations and requirements associated with each license ensure a certain level of truthful and ethical business practices are present during all facets of a transaction. They feel the deregulation of those occupations would result in significant misrepresentation and fraud resulting in the victimization of public citizens.

The Wisconsin Ethics Commission, which regulates lobbyists, feel public disclosure of the identity, expenditures, and activities of persons who hire others or are hired to engage in efforts to influence the actions for the legislative and executive branches is integral to the continued functioning of an open government and the preservation of the integrity in the governmental decision-making process.

The Office of the Commissioner of Insurance (OCI), who regulates insurance producers, feel the licensure requirements and regulatory oversight for insurance producers working the state of Wisconsin are warranted. OCI states they actively monitor the insurance marketplace and investigate any complaints, protect the public, and ensures that the insurance needs of Wisconsin citizens are met responsibly and adequately. OCI feels this system of regulatory oversight ensures that insurance producers have adequate training, operate using sound business practices and comply with state insurance laws and regulations.

### C. Credential Holder and Stakeholder Survey

The second survey conducted as part of the Wisconsin Occupational Licensing Study was designed and intended to be taken by credential holders, non-credential holders, and stakeholders. The survey was emailed by DSPS to its credential holders and attached regulatory boards and posted on the department's website. The survey was also provided to the other state regulatory agencies for dissemination to their credential holders.

The survey was taken by a total of 65,319 respondents. The first question asked respondents if they currently have an active occupational or professional license or credential that is issued by the state of Wisconsin. For the purposes of the survey, a definition of "license" was provided to respondents and defined as follows:

*"License" means a state of Wisconsin-issued occupational license, credential, certification, or registration. "License" does not include permits, facility or establishment licenses, business licenses (such as a liquor license or vending license), or licenses required by a local or municipal ordinance.*

Of the total respondents, 92.71 percent self-identified as holding an active Wisconsin-issued occupational license; 0.35 percent said their license application is pending, 1.35 percent said their license was inactive or expired, and 3,647 individuals (5.58 percent), said they did not hold a Wisconsin-issued license.

The second question asked respondents to specify the type of active license that they held. If they held multiple licenses, they were asked to select the category type that best describes the license

they use for their primary occupation. For the purposes of this survey, “*main job or occupation*” was defined to mean their current and main occupation or job, job from which they are on layoff, or job at which they last worked if between jobs.

Because respondents could choose which category best described their license type, some respondents may have selected different categories for the same license type. Therefore, although minimal, some occupations may be spread over more than one of the categories.

The survey results for each question are provided below.

**Q. Specify the type of active license that you hold. If you hold multiple licenses, select the category type that best describes the license you use for your *primary/main* occupation.**

Category	No. of Respondents	%
Animal or Agriculture related	1,170	1.90
Banking and Financial related (includes investments, insurance, lenders, collectors, tax assessor, charitable fundraising)	7,087	11.49
Business related	8,220	13.33
Chemical, Environmental, or Utilities Dealer, Supplier, or Applicator (includes fuel, gas, oil, water, power, pesticides, asbestos, hazardous materials, or waste products)	676	1.10
Educator or School related (includes instructor, teacher, administrator, or service provider of elementary, secondary, postsecondary education)	1,560	2.53
Food or Restaurant related	179	0.29
Health or Medical related	29,327	47.55
Legal, Security, or Enforcement related (i.e. attorney, investigator, inspector, tester, certifier, private detective, notary, etc.)	969	1.57
Product or Vehicle Manufacturer, Broker, or Dealer	179	0.29
Sales related	1,716	2.78
Social Services (includes child and adult care services)	3,004	4.87
Sports related	44	0.07
Trades related	6,451	10.46
Other (please specify)	88	0.13
<b>Total Respondents</b>	<b>61,672</b>	<b>94.41</b>

**Q. How useful is your license for each of the following?**

**a. Getting a job?**

Category	No. of Respondents	%
Extremely useful	47,257	79.05%
Very useful	6,095	10.20%
Somewhat useful	3,776	6.32%
Not so useful	1,014	1.70%
Not at all useful	1,637	2.74%
<b>Total Respondents</b>	<b>59,779</b>	

**b. Keeping a job?**

Category	No. of Respondents	%
Extremely useful	47,638	79.69%
Very useful	6,060	10.14%
Somewhat useful	3,536	5.92%
Not so useful	1,081	1.81%
Not at all useful	1,464	2.45%
<b>Total Respondents</b>	<b>59,779</b>	

**c. Keeping you marketable to employers or clients?**

Category	No. of Respondents	%
Extremely useful	47,857	80.06%
Very useful	6,389	10.69%
Somewhat useful	3,410	5.70%
Not so useful	925	1.55%
Not at all useful	1,198	2.00%
Total Respondents	59,779	

**d. Improving your work skills?**

Category	No. of Respondents	%
Extremely useful	30,526	51.06%
Very useful	9,872	16.51%
Somewhat useful	9,794	16.38%
Not so useful	4,802	8.03%
Not at all useful	4,785	8.00%
Total Respondents	59,779	

**e. Increasing your wages/salary?**

Category	No. of Respondents	%
Extremely useful	33,350	55.79%
Very useful	8,361	13.99%
Somewhat useful	8,682	14.52%
Not so useful	4,575	7.65%
Not at all useful	4,811	8.05%
Total Respondents	59,779	

**Q. Which of the following was required to obtain your license associated with your primary occupation?** (Check all that apply)

Category	No. of Respondents	%
High school diploma or equivalent	26,409	44.55
Passing a test	4,4709	75.43
Demonstrating certain skills	23,518	39.68
Completing an internship or apprenticeship	16,242	27.40
Previous job-related experience	9,002	15.19
Technical certification (Less than 2 years)	6,709	11.32
Some college, no degree	2,634	4.44
Associate degree	14,348	24.21
Bachelor's degree*	7,669	12.94
Master's degree	7,641	12.89
Doctoral or professional degree	8,352	14.09
None of the above	977	1.65
Other (please specify)	3,111	5.25
Total Respondents	59,274	

\*This option was inadvertently omitted in the survey. The results represent responses from respondents who added this option under the "other" category.

**Q. About how many hours of instruction did you complete to obtain your license associated with your primary occupation?**

Category	No. of Respondents	%
Less than 40	5,498	9.34
40 to 159	6,948	11.80
160 to 479	2,574	4.37
480 hours (half a full-time school year) to 959 hours	2,973	5.05
960 hours (1 full-time school year) or more	40,876	69.44
Total Respondents	58,869	

**Q. Select the category that best describes the initial costs you incurred to *obtain* your license associated with your primary occupation.**

(Include costs for initial education/tuition, registration fees, initial licensing fees, exam fees, **required** association fees, or other **required** costs you incurred to obtain your license.)

Category	No. of Respondents	%
Zero to \$200	5,755	9.85
\$201 to \$500	6,882	11.78
\$501 to \$1,000	3,349	5.73
\$1,001 to \$5,000	5,880	10.06
\$5,001 to \$10,000	6,053	10.36
\$10,001 to \$50,000	17,094	29.25
\$50,001 to \$100,000	8,066	13.80
Greater than \$100,000	5,356	9.17
Total Respondents	58,435	

**Q. Select the category that best describes the ongoing costs you incur to *retain* your license associated with your primary occupation.**

(Include costs for continuing education, registration fees, renewal licensing fees, exam fees, **required** association fees, or other **required** costs you incur in order to keep your license.)

Category	No. of Respondents	%
Zero to \$200	20,423	35.08
\$201 to \$500	17,349	29.80
\$501 to \$1,000	9,164	15.74
\$1,001 to \$5,000	8,859	15.22
\$5,001 to \$10,000	1,511	2.60
\$10,001 to \$50,000	657	1.13
\$50,001 to \$100,000	149	0.26
Greater than \$100,000	103	0.18
Total Respondents	58,215	

**Q. Rate the level of hardship or barriers you faced to *obtain* your initial license.**

Category	No. of Respondents	%
None at all	15,268	26.26
A small amount	18,353	31.56
A moderate amount	17,699	30.44
A large amount	6,595	11.34
A great amount that resulted in my inability to get a license.	231	0.40
Total Respondents	58,146	

**Q. Rate the level of hardship or barriers you faced to *retain* your initial license.**

Category	No. of Respondents	%
None at all	22,921	39.46
A small amount	25,409	43.75
A moderate amount	8,226	14.16
A large amount	1,365	2.35
A great amount that resulted in my inability to get a license.	163	0.28
Total Respondents	58,146	

**Q. Rate the importance that your license serves in protecting public citizens from harm or danger.**

Category	No. of Respondents	%
Extremely important. It's a matter of life or death.	21,189	36.59
Very important. The public would be at risk for significant harm or danger if a license wasn't required for this occupation.	23,730	40.97
Somewhat important. It's possible the public could be exposed to some risk if a license wasn't required for this occupation.	8,707	15.03
Not so important. It's unlikely the public would be exposed to harm or danger if a license wasn't required for this occupation.	2,478	4.28
Not at all important. There is no risk of harm or danger to the public if a license wasn't required for this occupation.	1,810	3.13
Total Respondents	57,914	

**Q. Do you hold a similar occupational license in another state(s)?**

Category	No. of Respondents	%
Yes	14,113	24.38
No	43,766	75.62
Total Respondents	57,879	

**Q. Select the category that best describes the *initial* requirements to *obtain* your out of state license compared to Wisconsin's initial licensing requirements.**

(Compare educational and other requirements, fees, and other costs.)

Category	No. of Respondents	%
Way more than Wisconsin	953	6.76
Somewhat more than Wisconsin	2,112	14.97
About the same as Wisconsin	9,567	67.83
Somewhat less than Wisconsin	930	5.59
Way less than Wisconsin	541	3.84
Total Respondents	14,104	

**Q. Select the category that best describes the *ongoing* requirements to *retain* your out of state license compared to Wisconsin's initial licensing requirements.**

(Compare educational and other requirements, fees, and other costs.)

Category	No. of Respondents	%
Way more than Wisconsin	823	5.87
Somewhat more than Wisconsin	2,170	15.48
About the same as Wisconsin	9,866	70.37
Somewhat less than Wisconsin	737	5.26
Way less than Wisconsin	425	3.03
Total Respondents	14,021	

**Q. Rate the level of hardship or barriers you faced to *obtain* your initial out of state license.**

Category	No. of Respondents	%
The state has way more hardships and barriers than Wisconsin.	630	4.52
The state has somewhat more hardships and barriers than Wisconsin.	2,078	14.92
The state has about the same as Wisconsin.	9,880	70.92
The state has somewhat less hardships and barriers than Wisconsin.	934	5.99
The state has way less hardships and barriers than Wisconsin.	509	3.65
Total Respondents	13,931	

**Q. Rate the level of hardship or barriers you faced to *retain* your out of state license.**

Category	No. of Respondents	%
The state has way more hardships and barriers than Wisconsin.	351	2.53
The state has somewhat more hardships and barriers than Wisconsin.	1,854	13.37
The state has about the same as Wisconsin.	10,582	76.30
The state has somewhat less hardships and barriers than Wisconsin.	624	4.50
The state has way less hardships and barriers than Wisconsin.	458	3.30
Total Respondents	13,869	

**Q. Are you aware of any instances where occupational licensing regulations have impacted the cost or availability of consumer goods or services?**

(i.e. increased costs for goods or services, decreased availability of practitioners)

Category	No. of Respondents	%
Yes	656	19.30
No	2,743	80.70
Total Respondents	3,399	

**Q. How important is it to regulate Wisconsin's occupations in order to protect public citizens from harm or danger?**

Category	No. of Respondents	%
Extremely important. It's a matter of life or death.	1,917	62.36
Very important. The public would be at risk for significant harm or danger if a license wasn't required for this occupation.	853	27.75
Somewhat important. It's possible the public could be exposed to some risk if a license wasn't required for this occupation.	174	5.66
Not so important. It's unlikely the public would be exposed to harm or danger if a license wasn't required for this occupation.	85	2.77
Not at all important. There is no risk of harm or danger to the public if a license wasn't required for this occupation.	45	1.46
Total Respondents	3,074	

**Q. Indicate what types of licenses should be regulated in order to protect public citizens from harm or danger.** (Check all that apply.)

Category	No. of Respondents	%
Animal or Agriculture related	2,328	78.52
Banking and Financial related (includes investments, insurance, lenders, collectors, tax assessor, charitable fundraising)	2,328	88.63
Business related	1,803	60.81
Chemical, Environmental, or Utilities Dealer, Supplier, or Applicator (includes fuel, gas, oil, water, power, pesticides, asbestos, hazardous materials, or waste products)	2,778	93.69
Educator or School related (includes instructor, teacher, administrator, or service provider of elementary, secondary, postsecondary education)	2,670	90.05
Food or Restaurant related	2,425	81.79
Health or Medical related	2,865	96.63
Legal, Security, or Enforcement related (i.e. attorney, investigator, inspector, tester, certifier, private detective, notary, etc.)	2,694	90.86
Product or Vehicle Manufacturer, Broker, or Dealer	2,250	75.89
Sales related	1,344	45.33
Social Services (includes child and adult care services)	1,283	43.27
Sports related	2,657	89.61
Trades related	2,154	72.65
No occupations should be regulated	70	2.36
Other (please specify)	213	7.18
Total Respondents	2,965	

## D. The Cost and Burdens of Occupational Licensure

Many studies have found it difficult to obtain data on the total financial burden for every individual occupational license since the largest financial burden for a licensee is the cost of initial tuition or education, which varies vastly depending on the profession (i.e. cost of a doctorate degree vs. a certification course). However, many studies have collected this data for groups or types of occupations.

Information collected by the Institute for Justice (IJ) on 102 low- and medium-wage occupations provides a sense of the range of licensing burden across occupations and across states, in terms of education and experience prerequisites, licensure fees, examinations, and minimum age requirements. States range from Pennsylvania, where it takes an estimated average of 113 days (about four months) to fulfill the educational and experience requirements for the average licensed occupation examined, to Hawaii, where it takes 724 days (about two years).<sup>10</sup> The IJ report reveals that Wisconsin's licensing laws require, on average, \$259 in fees and 214 days of education and experience.<sup>2</sup>

While several studies have identified common themes when it comes to the many burdens that workers face while pursuing a state license, this report contains barriers that may be specific to Wisconsin occupations. In their survey responses, state regulatory agencies provided examples of barriers and hardships that individuals may face to achieve and maintain the licensure. It should be noted that the agencies included licensing requirements that either they thought were a barrier or that could be considered a barrier from a license holder's perspective.

Some barriers identified by state regulatory agencies include the following:

1. Cost of initial and continuing education to obtain and retain the license.
2. Cost of initial license and renewal fees, including payments for annual registrations, certifications, or applications.
  - Pesticide Commercial Applicators are required to apply and pay a fee annually.
3. Cost of national and state examinations.
4. Cost of ongoing competency testing based on the requirement.
  - Licensed Pesticide Applicators are required to pass a competency test every five years.
5. Lack of availability and/or access for educational programs, courses, and national and state exams, in terms of number of times offered and locations.
  - A national exam for veterinarians is only offered twice per year.
  - No Wisconsin training center currently offers the training as an initial course for (EMT) Intermediates because this level of emergency medical practitioner is no longer included in the National EMS Educational Standard.
  - For lead inspectors, only the initial training is available in Wisconsin (due to very limited demand). Applicants seeking to renew must take an eight-hour refresher training outside of Wisconsin or take the 16-hour initial training over again in lieu of the refresher. The required x-ray fluorescence device training is only offered intermittently by manufacturers of the devices.
  - Lack of instructors and trainers required for certain courses.

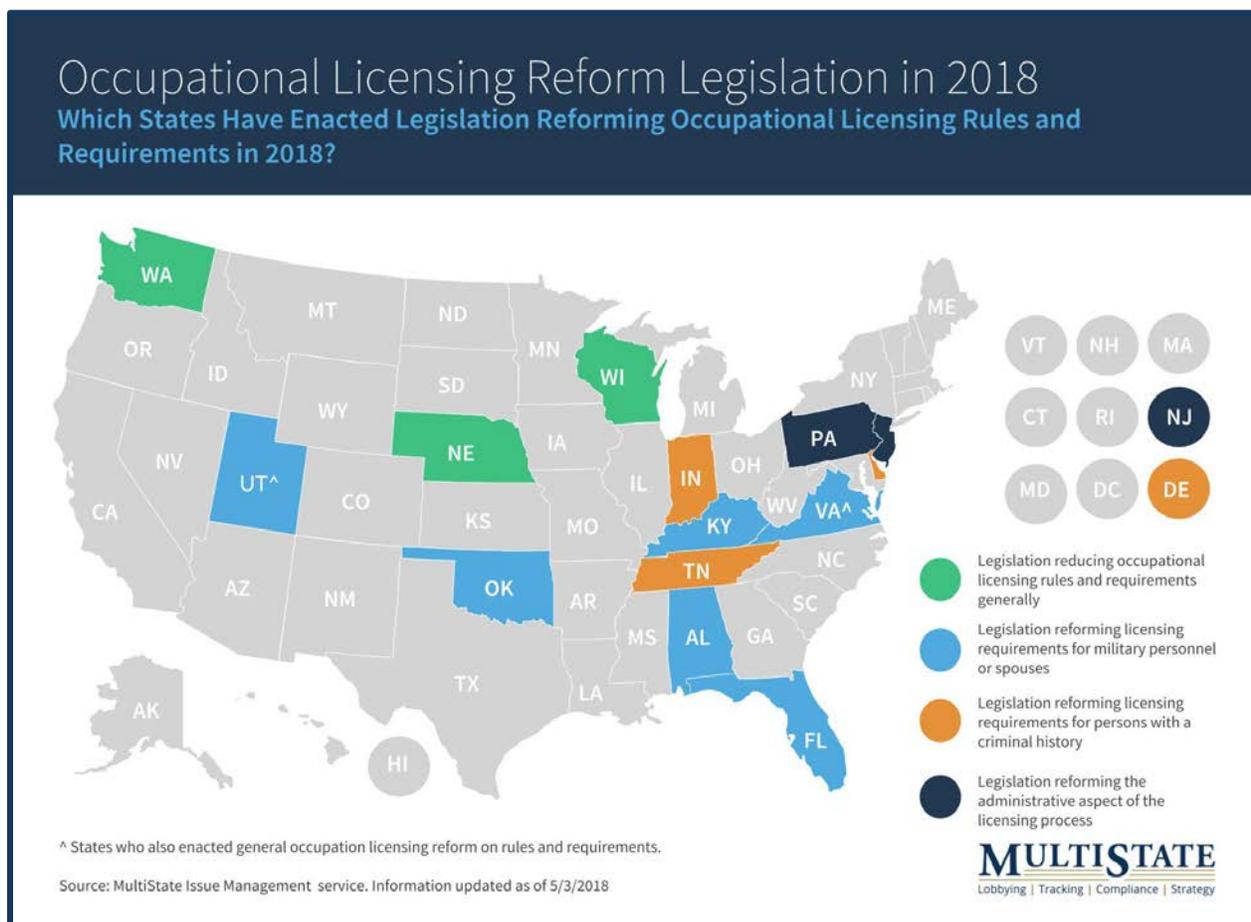
6. Time commitment and costs associated with traveling long distances to obtain required education and testing.
  - There is only one accredited veterinary medical education program in Wisconsin, and only 30 in the United States.
  - Many individuals from rural areas must travel several miles to take a course or exam.
7. Lack of nationwide universal computer application and renewal filing system (applies to some DFI occupations).
8. Requirement to obtain surety bond.
9. Requirement to submit to fingerprinting.
10. Hearing requirements related to “character and fitness” of the applicant (applies to some DOT and DWD occupations).
11. Requirements related to financial responsibility.
12. Requirements for clean driving or criminal history.
  - Applicants for mortgage brokers cannot have been convicted of or pled guilty or no contest to a felony in a seven-year period before date of application.
13. Delinquency checks for taxes, unemployment insurance contributions, and child/family support payments.
14. Lack of available clinical sites for health professions to obtain the required patient contacts while in training.
15. Excessive requirements for initial education for certain occupations.
16. Language barriers for individuals where English is not their primary language.
  - DHS relayed that a large number of people who hold lead or asbestos abatement type licenses, English is their second language, which causes barriers. They struggle to find a training course in their first language that allows them to understand the material in class. If they cannot understand the material taught to them in class, they then have difficulty understanding the exam language which makes it difficult for them to pass the exam in order to obtain a license. When they pass the exam, they sometimes have difficulty communicating with regulators in order to obtain their license. While classes, exams, and applications are offered in Spanish, DHS feels there is room for improvement in this area.
17. Lack of reading skills necessary to read and pass an exam.
18. Reciprocity barriers.
  - While nurse aides who successfully train and test in other states are able to transfer to Wisconsin if they have completed equivalent training, those with less training must provide verification of employment to satisfy requirements or complete a 45-hour bridge program.
19. Minimum age requirements
  - Heat exchange and water well drillers must be at least 20 years old, while water well drilling rig operators and heat exchange drilling rig operators can be at least 18.
  - Certified nursing aides must be at least 18 years old in order to operate certain types of patient mobility equipment

## V. Occupational Licensing Reforms

### A. Recent Reforms in Wisconsin

Although increased national attention has been focused on occupational licensing reform over the past few years, the concept of “de-licensing” is not new to Wisconsin. In 1937, Wisconsin passed a law requiring that watchmakers be licensed. A five-member Board of Examiners administered the statute, administered examinations, and issued “certificates of registration.” In 1979, the Board was abolished, thereby ending the licensing requirement.

Since 2012, Wisconsin has offered fee waivers to veterans and members of military families seeking to become licensed after moving from a state where they already held a license. In the last two years, Governor Scott Walker has signed into law nearly 30 bills that have contributed to job growth and occupational licensing reform that have eliminated barriers for many populations, entrepreneurs, trades workers, and other professionals.



2016 Wisconsin Act 258 eliminated the need for registration of timeshare salespersons. Existing law required a broker or salesperson to obtain a license for the act of selling real property in Wisconsin, but timeshare and membership campground salespersons were required to register with the Real Estate Examining Board instead.

2017 Wisconsin Act 20 increased access to preventative care for underserved populations by increasing the settings in which dental hygienists are authorized to practice dental hygiene in certain settings, without the authorization and presence of a licensed dentist.

2017 Wisconsin Act 59 required the Department of Safety and Professional Services to study occupational licenses and to submit a report of its findings to the Governor and Legislature by no later than December 31, 2018. This law also sunsetted the Wisconsin Rental Weatherization Program, thereby eliminating the licensure of rental weatherization inspectors.

2017 Wisconsin Acts 81 and 82 eliminated costly barriers for barbers, cosmetologists, and related professions. The reforms removed key professional licensing requirements that prohibited entry into these professions by removing separate licensing manager requirements and now allow barbers and cosmetologists to provide instruction without obtaining an additional license. The reforms also eliminated continuing education requirements for barbers, cosmetologists, aestheticians, electrologist, and manicurists and allow these professionals to provide services outside of salons and accept professional experience from licensees from other states.

2017 Wisconsin Act 88 authorized Wisconsin to participate in national data-sharing programs that will help protect the public interest and contribute to the increased transparency and mobility of the state's licensed Certified Public Accountants.

2017 Wisconsin Act 110 made various changes to laws governing real estate practice that will allow for the cooperation between Wisconsin real estate firms and out-of-state brokers representing buyers and tenants in commercial transactions – helping expand economic opportunities for Wisconsin-based companies.

2017 Wisconsin Act 113 brought Wisconsin into compliance with federal law, which requires states to regulate appraisal management companies, and will help Wisconsin avoid a likely major disturbance in the financing of most residential real estate transactions.

2017 Wisconsin Act 121 required the Department of Agriculture, Trade, and Consumer Protection to establish and implement a program for veterans, and their immediate family members if the veteran died during service, is missing in action, or died as a result of a service-connected disability (qualifying family members), to integrate them into the field of agriculture and support those currently working in agriculture. The program requires assisting eligible participants in rural and urban communities; providing employment, mentorship, and outreach opportunities; facilitating education opportunities; and providing advice, technical assistance, and training.

2017 Wisconsin Act 123 eliminated the signature requirement of a national guard member claiming payments under the Department of Military Affairs (DMA) Tuition Grant Program and the representative of the school certifying that the guard member has satisfactorily completed the course and achieved the minimum grade point average. Instead, the Act requires the DMA to rely on the qualifying school's certification to determine a guard member's eligibility for the grant.

2017 Wisconsin Act 135 ratified and entered Wisconsin into the Enhanced Nurse Licensure Compact (eNLC), replacing the original Nurse Licensure Compact (NLC), which will allow Wisconsin to maintain continued participation in the nurse licensure compact and ensure unnecessary additional licensure barriers do not exist for our state's nursing workforce.

Under 2017 Wisconsin Act 148, no apprenticeship program can require a ratio of more than one journey worker for each apprentice in an apprenticeship. The Act also removed the specific length of apprenticeship programs in prior law for plumbers and carpenters.

2017 Wisconsin Act 153 requires the Department of Workforce Development (DWD) to permit minors at least 15 years of age to be employed as lifeguards. DWD rule previously prohibited minors 14 and 15 years of age from being employed as lifeguards.

2017 Wisconsin Act 168 allows a child of any age to be employed under the direct supervision of the child's parent or guardian in connection with the parent's or guardian's business, trade, or profession, without a work permit.

2017 Wisconsin Acts 180, 227, and 293 helped address growing patient care needs by allowing certain health professionals to delegate various types of services.

2017 Wisconsin Act 195 created the Hire Heroes program, under which employers can be reimbursed for the wages of a veteran for employers providing transitional jobs to veterans of the U.S. Armed Forces who have been unemployed for at least four weeks.

2017 Wisconsin Act 206 revised provisions relating to lifetime teaching licenses and created a pilot grant program to support college courses taught in high schools.

2017 Wisconsin Act 262 requires the Department of Safety and Professional Services to grant a certification as a substance abuse counselor, clinical supervisor, or prevention specialist to an individual who holds a similar unexpired certification granted by another state that has requirements for certification that are not lower than this state's certification requirements.

2017 Wisconsin Act 278 streamlined the licensing process for those with criminal records by allowing them to receive an individualized review of their criminal history before submitting a full licensure application, which will reduce reoffending rates in Wisconsin and help solve a growing worker shortage.

2017 Wisconsin Act 288 removed an arbitrary barrier for individuals seeking to become a licensed chiropractor in Wisconsin by bringing Wisconsin's passing exam scores required for chiropractic licensure in line with 47 other states.

2017 Wisconsin Act 319 helped remove a burdensome barrier for veterans and economically disadvantaged populations seeking to obtain the necessary license to enter Wisconsin's workplace by reducing the standard fee required for an initial license.

2017 Wisconsin Act 323 developed a coaching program for the hiring of individuals with disabilities that directly engages private and nonprofit businesses.

2017 Wisconsin Act 329 eliminated a provision that imposed a \$50 forfeiture on a credential holder or applicant who failed to report a change of name or address within 30 days of the change.

2017 Wisconsin 329 also generally prohibited local governments from regulating tattoo and body piercing, unless authority is delegated by the Department of Safety and Professional Services.

2017 Wisconsin Act 330 eliminates exam eligibility requirements for individuals applying for a credential from the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. Prior law required individuals to satisfy certain prerequisite degree requirements to become eligible to take the applicable licensure exam.

2017 Wisconsin Act 331 allowed for greater uniformity and consistency across DSPS-regulated occupations and professions that will provide greater convenience for DSPS customers.

2017 Wisconsin Act 336 created an incentive grant program for school districts that provide training for certain public safety occupations and provides completion awards for students who complete those programs. Currently, these grants are available for programs that are designed to mitigate workforce shortages in an industry or occupation that the Department of Workforce Development identifies as facing workforce shortages or shortages of adequately trained entry-level workers. Under the Act, these grants to school districts will also be available for public safety occupations training programs. Eligible programs are industry-recognized certification programs that are designed to prepare individuals for occupations as fire fighters, emergency medical responders, or emergency medical services practitioners.

2017 Wisconsin Act 341 creates an exception to the prohibition for practice at certain sporting events or facilities, by an individual who is licensed in good standing to practice medicine and surgery in another state. The Act authorizes the Medical Examining Board (MEB) to enter into agreements with medical or osteopathic licensing boards of other states to implement the new licensure exception.

2017 Wisconsin Act 350 expanded the licensure or certificate renewal for certain emergency medical services personnel and ambulance service providers from every two years to every three years.

## B. Recommendations for Reform of Current Regulated Occupations

For occupational licenses outside the jurisdiction of DSPS, the recommendations for reform contained in this report are based on the statements, data, and information received by the state regulatory agency who administers the license. For licenses under the jurisdiction of DSPS, the Department took several factors into consideration for the occupational licenses being recommended for reform, including the criteria listed below:

- 1) Is the regulation of this occupation necessary to safeguard public health and safety and protect consumers?
- 2) Does the public substantially benefit from this occupation being regulated?
- 3) Is it reasonable to assume public citizens would be subjected to harm or danger if this occupation was unregulated or regulated by a less restrictive means?
- 4) Is the regulation of this occupation overly broad or onerous?
- 5) How many other states regulate this occupation?
- 6) Is this occupation among the nationally identified occupations that are needlessly regulated?
- 7) Are there too few individuals who possess this licensure type to financially justify the existence of the license and/or licensing board?

- 8) Is there is a history of minimal complaint or enforcement activity that may suggest there is no justification for strict regulation?
- 9) Could the Department accept credentials from other organizations that meet the equivalency standards?
- 10) Are there more effective, less restrictive, or alternative methods for regulating this occupation (as illustrated by the *Inverted Pyramid in Figure 2*)?

After thoughtful consideration of these factors and input from stakeholders and members of the public, DSPS recommends the elimination of 15 occupational licenses under its jurisdiction. In addition, six of the other regulatory agencies are recommending the elimination of 13 occupational licenses that fall under their respective jurisdictions. (A complete list may be found in Appendix C of this report.)

### C. Considerations for Future Occupational Licensing Reform

This report includes several recommendations for occupational licensing reform. The supplemental information and state comparison data contained in this report should provide policymakers with ample data to make informed decisions for possible additional future reforms. Legislators may also consider conducting more in-depth studies on certain occupations where reform may be warranted.

To continue the consortiums goal of reforming Wisconsin's occupational licensing regulations, it is recommended policymakers collaborate with other states, especially our border states, in order to improve portability across state lines and to refine regulatory practices that create barriers to work. Future research should include more in-depth analysis of fees, continuing education, work experience requirements to minimize complexity and procedural burdens; continued review of the impact of criminal history and substantial relation to the scope of practice; and perform ongoing assessments to ensure that licensing requirements closely align with the protection of public health and safety without being overly broad or burdensome.

Many states are also studying employment and occupational trends and taking these trends into consideration when making occupational licensing reform decisions. The Department of Workforce Development has many experts, useful tools, and resources that can be tapped for input and data relating to employment trend predictions at both the state and national levels. The data helps in predicting which Wisconsin-regulated occupations will most likely experience the largest growth in employment over the next 10 years (2016-2026) and which ones will experience the least amount of growth. Understanding these trends will be valuable for future policy decisions.

One of the additional reforms explored by DSPS include the acceptance of national credentials in lieu of requiring a separate license and separate exams, which impose a financial burden to credential holders. For example, DSPS administers several trade-related occupations where acceptance of credentials from the International Code Council (ICC) could be considered if deemed equivalent to a Wisconsin credential. (Through both statute and administrative rules, Wisconsin adopts several technical standards produced by the ICC). Earlier this year, DSPS discussed these options with ICC representatives.

In July 2018, DSPS representatives participated in a meeting, hosted by the Wisconsin Code Officials Alliance (WCOA), with the ICC President, ICC Board Chair, and other ICC representatives, to discuss how Wisconsin and the ICC can work together to streamline credentialing of these related occupations. Currently, some credential holders take courses and exams offered by both ICC and DSPS.

Following the meeting, DSPS compiled a list of possible ICC credentials that could provide equivalencies. A thorough analysis found some ICC credentials to be similar to Wisconsin's that would require only minimal modifications to include important elements specific to Wisconsin, typically referred to as "*Wisconsinisms*". For other license types, where ICC does not require any qualifications to take an exam, Wisconsin statutes require previous experience, coursework, an apprenticeship, or some level of experience before taking an exam. For these credentials, legislative changes would be needed in order to authorize DSPS to implement these reforms.

Other methods that could be considered for reform include the implementation of sunrise and sunset legislation. Several states have taken steps to adopt sunrise and sunset reviews, audits, active supervision, and other procedures to weigh the costs and benefits of existing and proposed occupational licensure. A sunrise process includes a cost-benefit analysis as part of any proposal to regulate a previously unlicensed profession. The sunset review process involves periodic reviews or legislative audits of licensing and licensing boards, and their potential elimination unless the legislature acts to continue them.<sup>9</sup>

In the state of Vermont, when the state Office of Professional Regulation receives requests from individuals or groups recommending that a profession be regulated, Vermont law provides that the profession should be regulated only when necessary to protect the public. When the office receives a request, it conducts a preliminary assessment and develops a recommendation for the Legislature as to whether or not the profession should be regulated. (A link to Vermont's *Application for Preliminary Sunrise Review Assessment* form may be found in the Resource section of this report.)

**Pursuant to 26 V.S.A. § 3101:**

*"It is the policy of the state of Vermont that regulation be imposed upon a profession or occupation solely for the purpose of protecting the public. The legislature believes that all individuals should be permitted to enter into a profession or occupation unless there is a demonstrated need for the state to protect the interests of the public by restricting entry into the profession or occupation. If such a need is identified, the form of regulation adopted by the state shall be the least restrictive form of regulation necessary to protect the public interest."* - State of Vermont

Some evidence suggests that sunrise reviews can be more successful at limiting the growth of licensing than sunset reviews are at removing unnecessary licensing. A sunset review can nevertheless be useful because, even if licensing was justified when first introduced, technological and economic changes may have rendered it unnecessary or overly restrictive. Periodic examination of existing rules is thus helpful in maintaining the quality of occupational regulation. Sunset reviews also have the benefit of reviewing complaints lodged with the licensing board. These can provide important insight into the value of continuing the license.<sup>10</sup>

Research has found that other practitioners—not consumers—file a large majority of complaints which mostly related to workers practicing without a license rather than any substantive violation of rules concerning health and safety.<sup>10</sup> Therefore, experts caution that sunset reviews should carefully consider what the complaint record means. In principle, few complaints could mean that licensing a particular occupation eliminates all dangerous conduct, but it can also mean that

genuine consumer harms are very rare in the occupation.<sup>10</sup> For that reason, the licenses recommended for reform in this report are accompanied by complaint data (where available) to assist decision-makers with comprehensive information when reviewing the recommendations.

#### D. Strategies for Occupational Licensing Reform

State policymakers play a critical and longstanding role in occupational licensing policies, dating back to the late 19th century when the Supreme Court decision in *Dent v. West Virginia* established states' rights to regulate certain professions. Shortly thereafter, states began developing their own systems of occupational regulation and licensing.<sup>8</sup> State policymakers play a central role in developing and shaping these systems by:

1. Establishing licensing requirements for specific occupations.
2. Authorizing regulatory boards to license applicants and oversee compliance.
3. Reviewing the merits of existing and proposed licensure requirements.
4. Proposing strategies or guiding principles to improve the state's overall approach to regulating professions.

According to a 2015 brief published by the Council on Licensure, Enforcement and Regulation, "civic leaders, elected officials, and courts have struggled to balance legitimate interests in protecting public health and safety with the preservation of free practice." Striking the right balance represents an opportunity for policymakers to achieve important public policy goals, including consumer protection, job creation, workforce mobility and economic growth. Removing employment barriers for unique populations, such as immigrants with work authorization, military families, and people with criminal records, offers a powerful lever to achieve multiple policy goals. These include employment growth, reduced reoffending for employed ex-offenders, enhanced geographic mobility, and economic stability and opportunity for individuals and their families.<sup>8</sup>

Some of the most comprehensive occupational licensing reforms were passed in Arizona, Tennessee, and Mississippi. Arizona and Tennessee each passed a *Right to Earn a Living Act*. The Act limits entry regulations into an occupation to only those that are legitimately necessary to protect public health, safety, or welfare and then those objectives could *not* be met with less burdensome means, including certification, bonding, insurance, inspections, etc. It favors policy options that preserve occupational freedom.<sup>13</sup>

Over the past few years, several studies, research briefs, and guidance documents have been published that provide tools, resources, and strategies for policymakers for tackling occupational licensing reform. Several states have found these resources to be helpful in implementing less restrictive regulations, evaluating the roles of regulatory boards, conducting ongoing sunset review hearings, and recognizing and prevent the passing of unnecessary licensing laws. Several of these resources are included in the Resource section of this report.

## Policymaker Questions to Ask When Considering Occupational Licensing Proposals

<b>What is the problem?</b>	<ul style="list-style-type: none"> <li>• Has the public been harmed because the occupation has not been regulated?</li> <li>• Has the public's health, safety or economic well-being been endangered?</li> <li>• Can proponents' claims be documented?</li> </ul>
<b>Why should the occupation be regulated?</b>	<ul style="list-style-type: none"> <li>• Who uses the services offered by the occupation? Does the public lack knowledge or information to evaluate the providers' qualifications?</li> <li>• What is the extent of the autonomy of the providers? Do they work independently or under supervision? If supervised, is the supervisor covered under regulatory statute?</li> </ul>
<b>What efforts have been made to address the problems?</b>	<ul style="list-style-type: none"> <li>• Has the occupation established a code of conduct or complaint-handling procedures for resolving disputes between practitioners and consumers?</li> <li>• Has a non-governmental certification program been established to assist the public in identifying qualified practitioners?</li> <li>• Could use of applicable laws or existing standards (e.g., civil laws or unfair and deceptive trade practice laws) solve problems?</li> <li>• Would strengthening existing laws help to deal with the problem?</li> </ul>
<b>Have alternatives to licensure been considered?</b>	<ul style="list-style-type: none"> <li>• Could an existing agency be used to regulate the occupation?</li> <li>• Would regulation of the employer versus the individual practitioner (e.g., licensing a restaurant instead of its employees) provide the necessary public protection?</li> <li>• Could registration or certification be an acceptable alternative?</li> <li>• Why would use of less stringent alternatives adequately protect the public? Why would licensing be more effective?</li> </ul>
<b>Will the public benefit from regulating the occupation?</b>	<ul style="list-style-type: none"> <li>• How will regulation help the public identify qualified practitioners?</li> <li>• How will regulation assure that practitioners are competent?</li> <li>• Are all standards job-related?</li> <li>• How do the standards, training and experience requirements compare with other states? Can differences be justified?</li> <li>• Are alternative routes of entry recognized—for example, for individuals licensed in another state?</li> </ul>
<b>Will regulation harm the public?</b>	<ul style="list-style-type: none"> <li>• Will competition be restricted by the regulated group?</li> <li>• Will the regulated group control the supply of practitioners? Are standards more restrictive than necessary?</li> <li>• Will regulation increase the cost of goods and services to consumers?</li> <li>• Will regulation decrease the availability of practitioners?</li> </ul>
<b>How will the regulatory activity be administered?</b>	<ul style="list-style-type: none"> <li>• Who will administer the regulation?</li> <li>• What power will the entity have, and will its actions be subject to review?</li> <li>• How would the cost of administering the regulatory entity be financed?</li> </ul>
<b>Who is sponsoring the regulatory program?</b>	<ul style="list-style-type: none"> <li>• Are members of the public sponsoring the legislation?</li> <li>• What provider associations or organizations are sponsoring the regulatory approach?</li> </ul>
<b>Why is regulation being sought?</b>	<ul style="list-style-type: none"> <li>• Is the profession seeking to enhance its status by having its own regulatory law?</li> <li>• Is the occupation seeking licensure to facilitate reimbursement?</li> <li>• Is the public seeking greater accountability of the occupation?</li> </ul>

*Source: Council on Licensure, Enforcement and Regulation, Questions Legislators Should Ask, 1994*

## VI. Conclusion

Most consumers acknowledge that the regulation of certain occupations is vital for the protection of public health, safety, and welfare. Where opinions begin to differ is determining which occupations should be regulated and at what level. This report is intended to provide the data and information necessary to aid in these statewide discussions and considerations and to continue the goal of commonsense occupational licensing reforms that will maintain consumer protection while removing barriers in order to provide economic opportunities for Wisconsin's workers and entrepreneurs. Moving forward, the federal directive is for states to continue to learn from one another as they adopt and refine regulatory practices that seek to remove barriers to work and improve portability across state lines.

## VII. Appendices

### Appendix A - Wisconsin Regulated Occupations

Occupation	Regulating Agency	Type of Regulation	No. Active Licenses
Buttermaker	DATCP	License	43
Cheesemaker	DATCP	License	1,283
Humane Officer	DATCP	Certificate	208
Pesticide Applicator Certification; commercial	DATCP	Certification	18,600
Pesticide Applicator Certification; private	DATCP	Certification	12,300
Pesticide Commercial Applicator (Individual)	DATCP	License	8,900
Veterinarian	DATCP	License	3,427
Veterinarian - Faculty License	DATCP	License	33
Veterinarian - Temporary Consulting Permit	DATCP	Permit	1
Veterinary Technician	DATCP	Certificate	2,148
Weights and Measures Service Technician	DATCP	Certification	805
Agent (Broker-Dealer Agent/Securities Agent)	DFI	Registration	146,350
Broker-Dealer	DFI	Registration	1,613
Fundraising Counsel	DFI	Registration	0
Investment Advisor	DFI	Registration	361
Investment Advisor Representative	DFI	Registration	9,915
Mortgage Banker	DFI	License	397
Mortgage Broker	DFI	License	194
Mortgage Loan Originator	DFI	Registration and License	10,392
Notary Public	DFI	Commission	81,971
Solicitor/Collector	DFI	License	6,348
Advanced Emergency Medical Technician	DHS	License	2,325
Asbestos Abatement Supervisor	DHS	Certification	1,264
Asbestos Abatement Worker	DHS	Certification	516
Asbestos Inspector	DHS	Certification	625
Asbestos Management Planner	DHS	Certification	49
Asbestos Project Designer	DHS	Certification	48
Emergency Medical Responder	DHS	Certification	3,343
Emergency Medical Technician	DHS	License	8,733
Exterior Asbestos Supervisor	DHS	Certification	89
Intermediate (EMT)	DHS	License	123
Lead Abatement Supervisor	DHS	Certification	319
Lead Abatement Worker	DHS	Certification	100
Lead Hazard Investigator	DHS	Certification	77
Lead Inspector	DHS	Certification	7
Lead Project Designer	DHS	Certification	0
Lead Risk Assessor	DHS	Certification	231
Lead Sampling Technician	DHS	Certification	15
Lead-Safe Renovator	DHS	Certification	4,434
Nurse Aide	DHS	Certification	58,790
Paramedic	DHS	License	4,949
Exterior Asbestos Worker	DHS	Certification	1,189
Heat Exchange Driller	DNR	License	32
Heat Exchange Drilling Rig Operator	DNR	Registration	37
Municipal Waterworks Operator	DNR	Certification	2,619
Pump Installer	DNR	License	1,170
Septage Service Operator	DNR	Certification	1,193
Small Water System Operator	DNR	Certification	948
Solid Waste Disposal Facility Operator	DNR	Certification	322
Solid Waste Incinerator Operator	DNR	Certification	25
Wastewater Operator	DNR	Certification	2,529
Water Well Driller	DNR	License	251
Water Well Drilling Rig Operator	DNR	Registration	138

Occupation	Regulating Agency	Type of Regulation	No. Active Licenses
Assessor	DOR	Certificate	683
Cigarette Salesperson	DOR	Permit	685
Liquor Salesperson	DOR	Permit	3,017
Tobacco Products Salesperson	DOR	Permit	760
Buyer's License	DOT	License	6,879
Certify 3rd Party CDL Examiner	DOT	Certification	215
Certify Traffic Safety School Instructor	DOT	Certification	165
Driver Training School Instructor	DOT	License	764
Representative License	DOT	License	792
Salesperson License	DOT	License	14,589
Salvage Buyer License	DOT	License	3,606
Acupuncturist	DSPS	License	556
Administrative Medicine and Surgery (DO)	DSPS	License	0
Administrative Medicine and Surgery (MD)	DSPS	License	4
Aesthetician	DSPS	License	2,126
Aesthetics Instructor (Certified)	DSPS	Certification	44
Agent for Burial Agreements	DSPS	Registration	888
Anesthesiologist Assistant	DSPS	License	101
Appraiser, Certified General	DSPS	License and Certification	758
Appraiser, Certified Residential	DSPS	License and Certification	841
Appraiser, Licensed	DSPS	License	253
Architect	DSPS	Registration	4,846
Art Therapist	DSPS	Registration	64
Athlete Agent	DSPS	Registration	66
Athletic Trainer	DSPS	License	1,290
Auctioneer	DSPS	Registration	637
Audiology	DSPS	License	405
Automatic Fire Sprinkler Contractor	DSPS	License	106
Automatic Fire Sprinkler Contractor - Maintenance	DSPS	Registration	27
Automatic Fire Sprinkler Fitter - Maintenance	DSPS	Registration	191
Automatic Fire Sprinkler Fitter, Journeyman	DSPS	License	665
Automatic Fire Sprinkler System Apprentice	DSPS	Registration	138
Automatic Fire Sprinkler System Tester	DSPS	Registration	100
Automatic Fire Sprinkler Tester Learner	DSPS	Registration	12
Barber	DSPS	License	255
Barber Apprentice	DSPS	Permit	39
Barbering Instructor (Certified)	DSPS	Certification	3
Barbering Manager	DSPS	License	505
Behavior Analyst	DSPS	License	195
Blaster Class 1	DSPS	License	37
Blaster Class 2	DSPS	License	96
Blaster Class 3	DSPS	License	17
Blaster Class 4	DSPS	License	5
Blaster Class 5	DSPS	License	151
Blaster Class 6	DSPS	License	71
Blaster Class 7	DSPS	License	13
Body Piercer	DSPS	License	242
Boiler-Pressure Vessel In-Service Field Inspector	DSPS	Certification	0
Boiler-Pressure Vessel Inspector	DSPS	Certification	135
Boxing Contestant	DSPS	License	34
Boxing Judge	DSPS	License	5
Boxing Referee	DSPS	License	1
Cemetery Authority	DSPS	Registration	40
Cemetery Authority - Licensed	DSPS	License	116
Cemetery Authority-Religious	DSPS	Certification	406
Cemetery Preneed Seller	DSPS	License	156
Cemetery Salesperson	DSPS	License	141
Certified Public Accountant	DSPS	License	11,974
Chiropractic Radiological Technician	DSPS	Certification	312
Chiropractic Technician	DSPS	Certification	1,208
Chiropractor	DSPS	License	2,400

Occupation	Regulating Agency	Type of Regulation	No. Active Licenses
Clinical Substance Abuse Counselor	DSPS	Certification	1,628
Clinical Supervisor-in-Training	DSPS	Certification	186
Commercial Building Inspector	DSPS	Certification	632
Commercial Electrical Inspector	DSPS	Certification	765
Commercial Plumbing Inspector	DSPS	Certification	397
Cosmetologist	DSPS	License	29,472
Cosmetology Apprentice	DSPS	Permit	257
Cosmetology Instructor (Certified)	DSPS	Certification	751
Cosmetology Temporary Permit	DSPS	Permit	372
Cosmetology Training Permit	DSPS	Permit	0
Counselor, Professional	DSPS	License	4,038
Counselor, Training License Professional	DSPS	License	1,867
Cross Connection Control Tester	DSPS	Registration	1,939
Dance Therapist	DSPS	Registration	7
Dental Hygienist	DSPS	License	5,306
Dentist	DSPS	License	4,324
Designer of Engineering Systems	DSPS	Permit	749
Dietitian, Certified	DSPS	Certification	1,933
Dwelling Contractor	DSPS	Certification	10,447
Dwelling Contractor Qualifier	DSPS	Certification	10,967
Dwelling Contractor Restricted	DSPS	Certification	8
Electrical - Residential Apprentice	DSPS	Registration	7
Electrical Contractor	DSPS	License	3,046
Electrician, Apprentice	DSPS	Registration	1,715
Electrician, Industrial Apprentice	DSPS	Registration	19
Electrician, Industrial Journeyman	DSPS	License	726
Electrician, Journeyman	DSPS	License	5,974
Electrician, Master	DSPS	License	5,743
Electrician, Master Registered	DSPS	Registration	665
Electrician, Registered (Beginning)	DSPS	Registration	2,287
Electrician, Residential Journeyman	DSPS	License	130
Electrician, Residential Master	DSPS	License	215
Electrologist	DSPS	License	164
Electrology Instructor (Certified)	DSPS	Certification	4
Elevator Apprentice	DSPS	Registration	195
Elevator Apprentice - Restricted	DSPS	Registration	1
Elevator Contractor	DSPS	License	57
Elevator Helper	DSPS	Registration	146
Elevator Inspector	DSPS	License	61
Elevator Mechanic	DSPS	License	620
Elevator Mechanic - Restricted	DSPS	License	10
Elevator Mechanic Temporary	DSPS	License	8
Engineer in Training	DSPS	Certification	1,893
Engineer, Professional	DSPS	Registration	16,162
Fire Detection, Prevention, and Suppression Inspector	DSPS	Certification	325
Firearms Certifier	DSPS	Certification	90
Fireworks Manufacturer	DSPS	License	15
Funeral Director	DSPS	License	1,195
Funeral Director Apprentice	DSPS	Permit	127
Funeral Director Embalming Only	DSPS	License	0
Funeral Director in Good Standing	DSPS	Certification	0
Geologist, Professional	DSPS	License	758
Hearing Instrument Specialist	DSPS	License	281
Home Inspector	DSPS	Registration	896
Home Medical Oxygen Provider	DSPS	License	174
HVAC Contractor	DSPS	Registration	3,322
HVAC Qualifier	DSPS	Certification	507
Hydrologist, Professional	DSPS	License	104
Independent Clinical Supervisor	DSPS	Certification	273
Interior Designer	DSPS	Registration	248
Intermediate Clinical Supervisor	DSPS	Certification	212

Occupation	Regulating Agency	Type of Regulation	No. Active Licenses
Juvenile Martial Arts Instructor	DSPS	Permit	67
Kickboxing Amateur Contestant	DSPS	License	1
Kickboxing Judge	DSPS	License	4
Kickboxing Referee	DSPS	License	2
Land Surveyor, Professional	DSPS	License	1,005
Landscape Architect	DSPS	License	406
Licensed Radiographer	DSPS	License	6,361
Lift Apprentice	DSPS	Registration	0
Lift Helper	DSPS	Registration	29
Lift Mechanic	DSPS	License	17
Limited X-Ray Machine Operator	DSPS	Permit	52
Liquified Gas Supplier	DSPS	License	155
Liquified Gas Supplier - Restricted	DSPS	License	73
Manicuring Instructor (Certified)	DSPS	Certification	40
Manicurist	DSPS	License	3,310
Manufactured Home Installer	DSPS	License	169
Manufactured Homes Dealer	DSPS	License	174
Manufactured Homes Sales Person	DSPS	License	356
Marriage and Family Therapist	DSPS	License	717
Marriage and Family Therapist, Training License	DSPS	License	275
Massage Therapist or Bodywork Therapist	DSPS	License	5,136
Matchmaker (Unarmed Combat Sports)	DSPS	License	6
Medicine and Surgery (DO)	DSPS	License	2,154
Medicine and Surgery (MD)	DSPS	License	23,775
Mixed Martial Arts Amateur Contestant	DSPS	License	144
Mixed Martial Arts Judge	DSPS	License	8
Mixed Martial Arts Professional Contestant	DSPS	License	44
Mixed Martial Arts Referee	DSPS	License	3
Mobile Dentistry Program Registrant	DSPS	Registration	36
Muay Thai Amateur Contestant	DSPS	License	2
Muay Thai Judge	DSPS	License	2
Muay Thai Referee	DSPS	License	1
Music Therapist	DSPS	Registration	59
Nurse - Midwife	DSPS	License	393
Nurse, Advanced Practice Prescriber	DSPS	Certification	6,566
Nurse, Licensed Practical	DSPS	License	13,451
Nurse, Registered	DSPS	License	104,423
Nursing Home Administrator	DSPS	License	978
Occupational Therapist	DSPS	License	3,796
Occupational Therapy Assistant	DSPS	License	1,486
Optometrist	DSPS	License	1,085
Peddler	DSPS	License	45
Perfusionist	DSPS	License	149
Pharmacist	DSPS	License	8,924
Physical Therapist	DSPS	License	6,126
Physical Therapist Assistant	DSPS	License	2,232
Physician Assistant	DSPS	License	3,080
Pipe Layer	DSPS	Registration	865
Plumber - Journeyman Restricted Appliance	DSPS	License	300
Plumber - Journeyman Restricted Service	DSPS	License	241
Plumber - Master Restricted Appliance	DSPS	License	199
Plumber - Master Restricted Service	DSPS	License	525
Plumber, Journeyman	DSPS	License	2,694
Plumber, Master	DSPS	License	2,976
Plumbing Apprentice	DSPS	Registration	957
Plumbing Learner - Restricted Appliance	DSPS	Registration	140
Plumbing Learner - Restricted Service	DSPS	Registration	154
Podiatric Medicine and Surgery	DSPS	License	405
POWTS Inspector	DSPS	Certification	429
POWTS Maintainer	DSPS	Registration	591
Prevention Specialist	DSPS	Certification	36

Occupation	Regulating Agency	Type of Regulation	No. Active Licenses
Prevention Specialist-in-Training	DSPS	Certification	54
Private Detective	DSPS	License	1,044
Private Practice of School Psychologist	DSPS	License	31
Private Security Person	DSPS	Permit	10,846
Professional Boxing Promoter	DSPS	License	1
Professional Mixed Martial Arts Promoter	DSPS	License	1
Psychologist	DSPS	License	1,797
Real Estate Broker	DSPS	License	9,620
Real Estate Salesperson	DSPS	License	13,822
Registered Sanitarian	DSPS	Registration	273
Resident Educational License	DSPS	License	1,011
Respiratory Care Practitioner	DSPS	Certification	3,131
Ringside Physician	DSPS	License	6
Second (Unarmed Combat Sports)	DSPS	License	152
Sign Language Interpreter	DSPS	License	355
Sign Language Interpreter- Restricted	DSPS	License	45
Social Worker	DSPS	Certification	5,546
Social Worker Training Certificate	DSPS	Certification	310
Social Worker, Advanced Practice	DSPS	Certification	3,340
Social Worker, Independent	DSPS	Certification	261
Social Worker, Licensed Clinical	DSPS	License	3,625
Soil Erosion Inspector	DSPS	Certification	204
Soil Scientist, Professional	DSPS	License	96
Soil Tester	DSPS	Certification	769
Speech-Language Pathology	DSPS	License	2,217
Substance Abuse Counselor	DSPS	Certification	654
Substance Abuse Counselor-in-Training	DSPS	Certification	1,178
Tattooist	DSPS	License	1,236
Timekeeper (Unarmed Combat Sports)	DSPS	License	2
Timeshare Salesperson	DSPS	Registration	314
UDC - Construction Inspector	DSPS	Certification	901
UDC - Electrical Inspector	DSPS	Certification	658
UDC - HVAC Inspector	DSPS	Certification	802
UDC - Plumbing Inspector	DSPS	Certification	802
Unarmed Combat Sports Promoter	DSPS	License	9
Utility Contractor	DSPS	License	311
Weld Test Conductor	DSPS	Certification	143
Welder	DSPS	Registration	4,449
Certified Private Rehabilitation Specialist	DWD	Certificate	92
License to Appear at a Worker's Compensation Hearing Agent/Representative	DWD	License	18
Private Employment Agent License	DWD	License	12
Private Employment Agent Registration	DWD	Registration	237
Lobbyist	Ethics	License	632
Insurance producer, Intermediary (Agent)	OCI	License	153,277
<b>Total:</b>	<b>280</b>		<b>1,023,142</b>

## Appendix B - State Comparison List of Regulated Occupations

The following is a list of occupations that are regulated in Wisconsin and in less than or equal to 20 other states. It is possible that additional regulated occupations could fall under this category. However, either the data was unavailable for some occupations or may have been inconclusive (i.e. data not available for all states). Therefore, this list only includes occupations where data was available. Research revealed that some local municipalities or counties, rather than the state, administered and required certain occupational licenses. In other states, the state regulatory agency accepts a credential issued by a professional or trade organizations but does not issue or require a separate state license. Therefore, for comparison purposes, states were only counted if the similar license type is administered and *required* by the state regulatory agency.

Title of License	Agency	Number of Other States that Regulate Similar License Type
Buttermaker	DATCP	0
Certified Private Rehabilitation Specialist	DWD	0
Cheesemaker	DATCP	0
Designer of Engineering Systems	DSPS	0
Funeral Director in Good Standing	DSPS	0
Humane Officer	DATCP	0
Hydrologist, Professional	DSPS	0
License to Appear at a Worker's Compensation Hearing Agent/Representative	DWD	0
Marriage and Family Therapist, Training License	DSPS	0
Nurse, Advanced Practice Prescriber	DSPS	0
Plumber - Master Restricted Service	DSPS	0
Prevention Specialist-in-Training	DSPS	0
Private Practice School Psychologist	DSPS	0
Substance Abuse Counselor-in-Training	DSPS	0
Dance Therapist	DSPS	1
Juvenile Martial Arts Instructor	DSPS	1
Plumber - Master Restricted Appliance	DSPS	1
Private Employment Agent Registration	DWD	1
Sign Language Interpreter- Restricted	DSPS	1
Veterinarian - Temporary Consulting Permit	DATCP	1
Electrician, Master Registered	DSPS	2
Elevator Helper	DSPS	2
Lift Helper	DSPS	2
Plumber - Journeyman Restricted Service	DSPS	2
Weld Test Conductor	DSPS	2
Automatic Fire Sprinkler Tester Learner	DSPS	3
Electrician, Industrial Journeyman	DSPS	3
Electrician, Registered (Beginning)	DSPS	3
Plumber - Journeyman Restricted Appliance	DSPS	3
Plumbing Learner - Restricted Service	DSPS	3
Social Worker Training Certificate	DSPS	3
Interior Designer	DSPS	4
Plumbing Learner - Restricted Appliance	DSPS	4
Soil Erosion Inspector	DSPS	4
Veterinarian - Faculty License	DATCP	4
Electrical - Residential Apprentice	DSPS	5
Electrician, Industrial Apprentice	DSPS	5
Elevator Mechanic - Restricted	DSPS	5
Lift Apprentice	DSPS	5
Peddler	DSPS	5
Soil Tester	DSPS	5
Automatic Fire Sprinkler Contractor - Maintenance	DSPS	6
Elevator Apprentice - Restricted	DSPS	6
Intermediate (EMT)	DHS	6

Title of License	Agency	Number of Other States that Regulate Similar License Type
Liquified Gas Supplier - Restricted	DSPS	6
Chiropractic Radiological Technician	DSPS	7
Elevator Mechanic Temporary	DSPS	7
Music Therapist	DSPS	7
Automatic Fire Sprinkler Fitter - Maintenance	DSPS	8
Cemetery Preneed Seller	DSPS	8
Cemetery Salesperson	DSPS	8
Electrician, Residential Master	DSPS	8
Funeral Director Apprentice	DSPS	8
Lift Mechanic	DSPS	8
Soil Scientist, Professional	DSPS	8
Welder	DSPS	8
Art Therapist	DSPS	11
Athlete Agent	DSPS	11
Automatic Fire Sprinkler System Tester	DSPS	11
Cosmetology Training Permit	DSPS	11
Dwelling Contractor Restricted	DSPS	11
Firearms Certifier	DSPS	11
Automatic Fire Sprinkler System Apprentice	DSPS	12
Electrician, Residential Journeyman	DSPS	12
Anesthesiologist Assistant	DSPS	13
Blaster Class 7	DSPS	13
Commercial Plumbing Inspector	DSPS	13
Elevator Apprentice	DSPS	13
Mobile Dentistry Program Registrant	DSPS	13
Commercial Electrical Inspector	DSPS	14
Representative License	DOT	14
Salvage Buyer License	DOT	14
UDC - Electrical Inspector	DSPS	14
Blaster Class 5	DSPS	15
Blaster Class 6	DSPS	15
Cigarette salesperson	DOR	15
Pipe Layer (Non-contractor)	DSPS	15
Tattooist	DSPS	15
Tobacco products salesperson	DOR	15
Blaster Class 2	DSPS	16
Blaster Class 3	DSPS	16
Blaster Class 4	DSPS	16
Dwelling Contractor Qualifier	DSPS	16
Perfusionist	DSPS	16
POWTS Inspector	DSPS	16
UDC - Construction Inspector	DSPS	16
UDC - Plumbing Inspector	DSPS	16
Utility Contractor	DSPS	16
Cross Connection Control Tester	DSPS	17
Auctioneer	DSPS	18
Commercial Building Inspector	DSPS	18
Cosmetology Temporary Permit	DSPS	18
Muay Thai Amateur Contestant	DSPS	18
Muay Thai Professional Contestant	DSPS	18
POWTS Maintainer	DSPS	18
UDC - HVAC Inspector	DSPS	18
Automatic Fire Sprinkler Fitter - Journeyman	DSPS	19
HVAC Qualifier	DSPS	19
Manufactured Homes Sales Person	DSPS	19
Fundraising Counsel	DFI	20
Social Worker, Independent	DSPS	20

## Appendix C - List of Occupations Recommended for Reform

The following occupations are recommended for elimination by the regulatory agency:

Occupation and Type of Regulation	No. Issued	Agency	Recommendation and Reason
<b>Veterinarian Faculty</b>  License	33	DATCP	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• The university could be responsible for verifying credentials, qualifications, and performance of veterinary faculty under their employ.</li> <li>• There have been 0 complaints over the past 5 years.</li> <li>• Only 4 states issue this type of license and typically grant the license on a temporary basis, such as one year.</li> </ul>
<b>Veterinarian – Temporary Consulting</b>  Permit	0	DATCP	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• Very few licenses of this type are issued, making this credential unnecessary.</li> <li>• The requesting Wisconsin-licensed veterinarian who request the assistance could be responsible for verifying credentials, qualifications and performance of a consulting veterinarian licensed in another state.</li> <li>• There have been 0 complaints over the past 5 years.</li> <li>• Only 1 other state, California, issues a license for this occupation.</li> </ul>
<b>Community Currency Exchanger</b>  License	167	DFI	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• There are alternative avenues in place for cash transmission such as electronic transactions rather than check cashing.</li> <li>• There have been 9 complaints received over the past 5 years with 0 resulting in disciplinary action.</li> <li>• 30 other states have similar titles for this license type.</li> </ul>
<b>Insurance Premium Finance Companies</b>  License	32	DFI	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• The marketplace product and services has moved away from consumers and is instead a product/service used primarily in business/commercial setting. It would not harm consumers to eliminate this regulation.</li> <li>• Since 2004, there’s been 1 instance of consumers being overcharged (&lt;\$75). Money was refunded to harmed consumers.</li> <li>• Only 7 other states regulate this license type.</li> </ul>
<b>Solid Waste Incinerator Operator</b>  Certification	25	DNR	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• Wisconsin is currently providing a service to Wisconsin incinerator operators by proctoring an exam and providing certification, NR 499.09, Wis. Adm. Code, and s. 285.51, Stats., to meet state and federal requirements.</li> <li>• Regulated sources could travel out of state or create their own in-house program; however, consideration should be given to the additional financial cost.</li> <li>• There have been 0 complaints over the past 5 years.</li> <li>• It is unknown how many other states require certification for this occupation.</li> </ul>

Occupation and Type of Regulation	No. Issued	Agency	Recommendation and Reason
<p><b>Cigarette Salesperson</b></p> <p>Permit</p>	685	DOR	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• This regulation is a duplication of effort and could be eliminated because manufacturers and distributors are required to get their own permits and may already be doing background checks on their employees for public protection.</li> <li>• There have been 0 complaints received over the past 5 years.</li> <li>• 15 other states regulate this license type.</li> </ul>
<p><b>Liquor Salesperson</b></p> <p>Permit</p>	3,017	DOR	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• This regulation is a duplication of effort and could be eliminated because manufacturers and distributors are required to get their own permits and may already be doing background checks on their employees for public protection.</li> <li>• There have been 0 complaints received over the past 5 years.</li> <li>• 20 other states regulate this license type.</li> </ul> <p>Note: While not issued by the state, there are statutory requirements regarding responsible beverage servers (bartender licenses). These are issued by local governments with some criteria set out in state statutes.</p>
<p><b>Tobacco Products Salesperson</b></p> <p>Permit</p>	760	DOR	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• This regulation is a duplication of effort and could be eliminated because manufacturers and distributors are required to get their own permits and may already be doing background checks on their employees for public protection.</li> <li>• There have been 0 complaints received over the past 5 years.</li> <li>• 15 other states regulate this license type. (Data combined with cigarette salesperson.)</li> </ul>
<p><b>Buyer Identification Card</b></p> <p>License</p>	N/A	DOT	<p><b>Agency Recommendation: Consider Elimination</b></p> <ul style="list-style-type: none"> <li>• Elimination of this license may warrant discussion regarding its applicability in today's industry.</li> <li>• When this license was created the industry conducted almost all auctions in person. Since then the salvage pool industry has migrated to an online platform and almost all purchases are made online. Because of this enforcement is almost impossible as it would require a regulator to observe the buyer in the act of bidding which often takes place in businesses or residences. However, the rescission of this license would result in an annual revenue loss of \$21,636 to DOT (ea. Cost \$6-\$12/year).</li> <li>• The public does not directly benefit from the regulation of this licensee.</li> <li>• This regulation was found in 10 other states.</li> </ul>
<p><b>Certified Private Rehabilitation Specialist</b></p> <p>Certificate</p>	92	DWD	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• Injured employees with worker's compensation claims who are seeking vocational rehabilitation services may receive these services sooner through a private resource than through the State.</li> <li>• There have been 0 complaints received over the past 5 years.</li> <li>• This license type is not regulated by any other state.</li> </ul>

Occupation and Type of Regulation	No. Issued	Agency	Recommendation and Reason
License to Appear at Worker's Compensation Hearing Agent/ Representative	18	DWD	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• The public is protected because only attorneys licensed in Wisconsin and individuals approved by DWD through this licensing process can represent individuals in a Worker's Compensation Hearing.</li> <li>• There have been 0 complaints received over the past 5 years.</li> <li>• This license type is not regulated by any other state.</li> </ul>
Private Employment Agent License	12	DWD	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• The license requirement applies to agents who charge a fee to applicants seeking work. Most licensed agencies are modeling agencies.</li> <li>• There is no evidence of public harm.</li> <li>• A prohibition on certain practices would be a more economic and effective way of regulating as other industries are not regulated in this manner.</li> <li>• This regulation is archaic and no longer serves a purpose.</li> <li>• There have been 0 complaints received over the past 5 years.</li> <li>• 23 other states regulate this license and require either a license or permit or both. Some states have repealed this license over the past 5 years.</li> </ul>
Private Employment Agent Registration	237	DWD	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• Same reasons as licensed agent.</li> <li>• This regulation is archaic and no longer serves a purpose.</li> <li>• There have been 0 complaints received over the past 5 years.</li> <li>• Only 1 other state regulates this occupation.</li> </ul>
Cosmetology Temporary Permit	372	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• Only 19 other states require or offer a temporary permit for cosmetologists.</li> <li>• DL Roope (a cosmetology examination provider) administers these permits with the approval of DSPS. The applicants inform DL Roope on their examination application that they are interested in receiving a temporary permit. DL Roope sends DSPS the list of individuals who are interested in receiving a temporary permit, and DSPS staff cross checks these individuals with a list of individuals who have been given training certificates by the cosmetology schools.</li> <li>• By eliminating DSPS' administration over this permit, the public can be protected through allowing the organization who already manages this program to administer the permits.</li> <li>• Since DL Roope oversees the application process for this permit, the Department is currently not adding any kind of public protection over this credential besides serving in a "middle-man" role between the cosmetology schools and this examination provider.</li> <li>• There is no disciplinary data available on this license type as DSPS does not administer the permit.</li> </ul>
Cosmetology Training Permit	0	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• Only 12 other states require a training permit for cosmetologists. All states except Wisconsin require this permit within the boundaries of an internship, apprenticeship, or educational setting for students.</li> <li>• DSPS has not administered or offered these permits since at least 2015.</li> </ul>

Occupation and Type of Regulation	No. Issued	Agency	Recommendation and Reason
<p align="center"><b>Designer of Engineering Systems</b></p> <p align="center">Permit</p>	749	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• The job duties of these individuals could be picked up through other credentials such as professional engineers, architects, HVAC contractors, Plumbers, Electricians, POWTS Maintainer and Fire Detection, Prevention and Suppression Inspectors.</li> <li>• The license requirements for this permit are very steep.</li> <li>• According to Wis. Stats. 442.07(5) The permit shall restrict the holder to the specific field and subfields of designing in which the permittee acquired his or her experience in designing. If qualified in more than one type of designing, persons may receive permits for more than one field or subfield of designing as may be determined by the designer section.</li> <li>• There have been 0 complaints resulting in disciplinary action within the last 5 years.</li> <li>• There are no other states besides that license this occupation.</li> </ul>
<p align="center"><b>Music Therapist</b></p> <p align="center">Registration</p>	59	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• According to Wis. Admin Code SPS 141.01(4), an applicant can receive a license as a music therapist if the applicant submits proof that they are certified or registered as a music therapist by the Certification Board for Music Therapists, National Music Therapy Registry, American Music Therapy Association, or by another national organization that certifies, registers, or accredits music therapists. Because this is the only noted requirement for licensure outside of conviction review, it would be appropriate to say that the public would be aptly protected by the certification of these individuals exclusively through registration with these outside organizations.</li> <li>• There have been 0 complaints resulting in disciplinary action within the last 5 years.</li> </ul>
<p align="center"><b>Art Therapist</b></p> <p align="center">Registration</p>	64	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>• According to Wis. Admin Code SPS 141.01(4), an applicant can receive a license as an art therapist if the applicant submits proof that they are certified or registered as an art therapist by the by the Art Therapy Credentials Board or by another national organization that certifies, registers, or accredits art therapists. Because this is the only noted requirement for licensure outside of conviction review, it would be appropriate to say that the public would be aptly protected by the certification of these individuals exclusively through registration with these outside organizations.</li> <li>• There have been 0 complaints resulting in disciplinary action within the last 5 years.</li> <li>• 11 other states regulate art therapists.</li> </ul>

Occupation and Type of Regulation	No. Issued	Agency	Recommendation and Reason
Dance Therapist Registration	7	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>According to Wis. Admin Code SPS 141.01(4), an applicant can receive a license as a dance therapist if the applicant submits proof that they are certified or registered as a dance therapist by the American Dance Therapy Association or by another national organization that certifies, registers, or accredits dance therapists. Because this is the only noted requirement for licensure outside of conviction review, it would be appropriate to say that the public would be aptly protected by the certification of these individuals exclusively through registration with these outside organizations.</li> <li>There have been 0 complaints resulting in disciplinary action within the last 5 years.</li> <li>Only 1 other state regulates dance therapists.</li> </ul>
Blaster Class 1 License	42	DSPS	<p><b>Agency Recommendation: Retain blaster license but eliminate separate classifications.</b></p> <ul style="list-style-type: none"> <li>Wisconsin State statute does not require seven different classes of licensure for blasters. Therefore, there is no statutory authority for seven distinct licenses (Wis. stats.101.19 (1g) (c).</li> <li>The multiple levels of classification of this license is inconsistent with other states as no other states license seven levels of this credential.</li> <li>DSPS does not distinguish between classes of blasters when processing complaints and disciplinary data.</li> </ul>
Blaster Class 2 License	100	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>See Baster Class 1</li> </ul>
Blaster Class 3 License	18	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>See Baster Class 1</li> </ul>
Blaster Class 4 License	6	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>See Baster Class 1</li> </ul>
Blaster Class 5 License	162	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>See Baster Class 1</li> </ul>
Blaster Class 6 License	81	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>See Baster Class 1</li> </ul>
Blaster Class 7 License	13	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>See Baster Class 1</li> </ul>
Intermediate Clinical Supervisor License	273	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>The requirements for intermediate clinical supervisor and independent clinical supervisor are the same (SPS 161.05), therefore, issuing two credentials with the same requirements is unnecessary.</li> <li>The Substance Abuse Counselor Certification Review Committee recommended eliminating the intermediate clinical supervisor at their meeting on March 22, 2017.</li> </ul>
Interior Designer Registration	248	DSPS	<p><b>Agency Recommendation: Eliminate</b></p> <ul style="list-style-type: none"> <li>Only 4 other states regulate this license type.</li> <li>The regulation of interior designers has been identified by several studies as the most burdensome licensing requirement of all occupations.</li> </ul>

## Appendix D – State Agency Occupational Licensure Survey

**Thank you for participating in the Wisconsin Occupational License Study survey. Your feedback is important.**

[2017 Wisconsin Act 59](#), section 9139, requires the Department of Safety and Professional Services (DSPS) to submit a report to the Governor and the Legislature that includes recommendations for reform relating to Wisconsin's occupational licenses. To meet this requirement, DSPS is conducting a study to determine which occupational licenses are truly needed to protect the public, and explore if less restrictive alternatives may be appropriate.

The purpose of this survey is to collect data and input from each state agency. Your response to the survey questions will ensure accurate identification of each license the state requires, as well as the burdens associated with each license. The data and input collected will be used to provide recommendations for reform and improvement of Wisconsin's occupational licensing requirements.

Your participation by thoroughly answering the survey questions is vital to the success of this study and necessary to fulfill the request of the Governor and Legislature.

The following section will assist you in answering the questions appropriately.

### **Instructions to Survey Respondents:**

1. **Survey Method:** To begin the survey, click on the following link: [Wisconsin Occupational License Study](#). The survey is designed to allow your agency to submit multiple entries if more than one Division or Bureau regulates an occupational license.
2. **Deadline to Submit:** The deadline to complete the survey is **Friday, March 30, 2018**. Agencies must complete the survey by this date.
3. **Assistance:** Questions for assistance with the survey may be sent to [DSPSLicensureFeedback@Wisconsin.gov](mailto:DSPSLicensureFeedback@Wisconsin.gov). Please consult with your agency's Chief Legal Counsel to determine if your agency regulates an occupation included in the licensing definition.
4. **Survey Questions:** This linked document contains all of the questions that are included in this survey. Since additional research and outreach to other states may be necessary to appropriately respond to certain questions, you may wish to use this document as a guide to gather the information and data prior to beginning the survey. The survey may automatically skip certain questions based on your response to the previous question. Therefore, some of the questions listed in the document may not be visible or applicable to your specific agency.

**\* 1. Please provide your name and title, agency name, and contact information for the person completing this survey.**

Name & Title of Person Completing Survey	<input type="text"/>
Agency Name	<input type="text"/>
Email Address	<input type="text"/>
Phone Number	<input type="text"/>

**\* 2. Does your agency issue or regulate any occupational licenses?** *(Note: If you are unsure whether your agency meets the definition listed below, please consult with your agency's Chief Legal Counsel.)*

"Occupational license" means any of the following:

- a. A license, permit, certification, registration, or other approval granted under §167.10 (6m) or chapters 101, 145, or 440 to 480 of the statutes.
- b. A license, permit, certification, registration, or other approval not included above if granted to an individual by this state in order that the individual may engage in a profession, occupation, or trade in this state or in order that the person may use one or more titles in association with his or her profession, occupation, or trade.

Yes

No

**\* 3. Please provide the best point of contact for each occupation your agency regulates.** *(Note: These individuals may be different than the person(s) completing the survey.)*

Please include a contact name, email, and phone number. For example:

1. [Occupation]: Contact name, email address, phone number
2. [Occupation]: Contact name, email address, phone number

**\* 4. List each occupation that your agency regulates, the type of license, and the number of active licensees for each type.**

Please number and list each occupation on a separate line. For example:

1. Physician: License; 8,500
2. Wastewater Operator: Certificate; 2,300
3. Interior Designer: Registration; 1,200
4. Funeral Establishment Operator: Permit; 450

**\* 5. List each licensed occupation and the related barriers or substantial hardships that individuals may face to achieve licensure.**

Please number and list each occupation on a separate line. For example:

1. Physician: [Explanation of barriers]
2. Wastewater Operator: [Explanation of barriers]
3. Interior Designer: [Explanation of barriers]
4. Funeral Establishment Operator: [Explanation of barriers]

\* 6. **Specify each licensed occupation and the related estimated costs imposed on individuals or entities as a result of regulation.** *(Note: Please itemize the estimated costs for each category, which includes, but is not limited to, the following: initial licensing fee, tuition, examination fees, registration/credential fees, cost of continuing education required for relicensure, other costs individuals or entities may incur in order to obtain the required license, permit, certification, registration, or other approval granted by this state in order to engage in a profession, trade, or occupation.)*

Please number and list each occupation and related costs on a separate line. For example:

1. [Occupation]: \$ [Total estimated cost]

- a. Licensing fee: \$
- b. Initial Tuition/Education/Training: \$
- c. Continuing Education: \$
- d. Examination fees: \$
- e. [Other costs - please itemize]: \$

2. [Occupation]: \$ [Total estimated cost]

- a. Licensing fee: \$
- b. Initial Tuition/Education/Training: \$
- c. Continuing Education: \$
- d. Examination fees: \$
- e. [Other costs - please itemize]: \$

3. [Entity]: \$ [Total estimated cost]

- a. Application fee: \$
- b. Permit Fee: \$
- c. [Other costs - please itemize]: \$

4. [Entity]: \$ [Total estimated cost]

- a. Application fee: \$
- b. Permit Fee: \$
- c. [Other costs - please itemize]: \$

**7. Is your agency aware of any instances where occupational licensing regulations have impacted the cost or availability of consumer goods or services? [i.e. increased costs for goods or services, decreased availability of practitioners]**

Yes

No

**8. Please provide specific examples where state licensing regulations have impacted the cost or availability of consumer goods or services.**

**\* 9. Can the public reasonably expect to benefit due to the regulation of any of these occupations?**

Yes

No

Other: [Please specify]

**\* 10. For each occupation, provide an explanation and supporting evidence to show how the public can reasonably expect to benefit due to the regulation of the occupation. Include research findings or other evidence to show how the benefit is measured.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]: [Measurable benefit, supporting evidence]
2. [Occupation]: [Measurable benefit, supporting evidence]
3. [Occupation]: [Measurable benefit, supporting evidence]
4. [Occupation]: [Measurable benefit, supporting evidence]

**\* 11. Specify the occupation and explain why the public may not reasonably expect to benefit due to the regulation of that occupation.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]: [Explanation]
2. [Occupation]: [Explanation]
3. [Occupation]: [Explanation]
4. [Occupation]: [Explanation]

\* 12. **Would the unregulated practice of any of the currently licensed occupations cause harm or endanger the public health, safety, or welfare?** *(Note: The potential for harm must be recognizable and not speculative and the consequences of incompetence are substantial and irreversible.)*

- Yes
- No
- Don't know

\* 13. **For each occupation, list the specific public harm or danger that could occur due to unregulated providers.** *(Note: The potential for harm must be recognizable and not speculative and the consequences of incompetence are substantial and irreversible.)*

Please number and list each occupation on a separate line. For example:

- 1. [Occupation]: [Explanation]
- 2. [Occupation]: [Explanation]
- 3. [Occupation]: [Explanation]
- 4. [Occupation]: [Explanation]

\* 14. **For any of the licensed occupations, could the general public be reasonably protected from potential harm or danger through less restrictive means (other than licensing)?**

- Yes
- No

**\* 15. For each occupational group, provide examples of alternative means (other than regulation or licensing) that could protect the general public from potential harm or danger.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]: [Alternatives]

2. [Occupation]: [Alternatives]

3. [Occupation]: [Alternatives]

**\* 16. List the occupations that would not subject the general public to harm or danger should that occupation become unregulated.**

Please number and list each occupation on a separate line.

**\* 17. Has your agency received any licensing complaints in the previous five years (2013-2017) for any of the occupations that you regulate?**

Yes

No

**\* 18. For each occupation, list the number of complaints that have been received in each of the previous five years (2013-2017). In addition, indicate how many of those complaints resulted in opening an investigation, and how many resulted in disciplinary action.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]:

2013: 15 received, 14 investigated, 10 disciplinary action;  
2014: 20 received, 18 investigated, 15 disciplinary action;  
2015: 25 received, 20 investigated, 12 disciplinary action;  
2016: 30 received, 25 investigated, 20 disciplinary action;  
2017: 35 received, 30 investigated, 25 disciplinary action.

2. [Occupation]:

2013: 15 received, 14 investigated, 10 disciplinary action;  
2014: 20 received, 18 investigated, 15 disciplinary action;  
2015: 25 received, 20 investigated, 12 disciplinary action;  
2016: 30 received, 25 investigated, 20 disciplinary action;  
2017: 35 received, 30 investigated, 25 disciplinary action.

**\* 19. For each occupation, list the top three types of complaints your agency received over the previous five years (2013-2017).**

For each occupation and year, please number and list the top complaints on a separate line. a=top complaint; b=2nd top complaint, c=3rd top complaint. For example:

1. [Occupation]:

- a. Practicing without a license
- b. Operating beyond the Scope of Practice
- c. Failure to disclose discipline from another state

2. [Occupation]:

- a. Breach of contract
- b. Failure to comply with educational requirements
- c. Practicing without required supervision

**\* 20. Has there been evidence of specific public harm that occurred prior to any of these occupations being regulated in Wisconsin?**

- Yes
- No
- Don't know

**\* 21. For each occupation, provide specific examples and documented evidence of the public harm that was caused due to this occupation being unregulated.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]: [type of Harm],  
[Specific evidence - documented court case, etc.]

2. [Occupation]: [type of Harm],  
[Specific evidence - documented court case, etc.]

3. [Occupation]: [type of Harm],  
[Specific evidence - documented court case, etc.]

4. [Occupation]: [type of Harm],  
[Specific evidence - documented court case, etc.]

**\* 22. Do other states license or regulate any of these occupations or professional scopes of practice?**

Yes

No

\* 23. **For each occupation, list the state(s) and how they regulate that occupation.** [i.e. credential, certification, license, permit, registration, etc.]

Please number and list each occupation on a separate line. For example:

1. [Occupation]:

Illinois: certification

California: license

Minnesota: permit

Michigan: registration

2. [Occupation]:

Arkansas: permit

Idaho: license

Maine: certification

New Mexico: registration

New York: credential

\* 24. **For each occupation, specify the requirement for each type of regulation and renewal.** [e.g. years of initial didactic or practical education, continuing education hours, exam, refreshers, apprenticeship, internship, field experience, etc.]

Please number and list each occupation on a separate line. For example:

1. [Occupation]:

Illinois: [Requirement]

California: [Requirement]

Minnesota: [Requirement]

Michigan: [Requirement]

2. [Occupation]:

Arkansas: [Requirement]

Idaho: [Requirement]

Maine: [Requirement]

New Mexico: [Requirement]

New York: [Requirement]

25. **For each state that provides a different type of regulation than Wisconsin, provide evidence of any specific public harm that occurred due to that state's type of regulation for that occupation.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]:

[State]: [Type of regulation]; [Harm caused and supporting evidence]

[State]: [Type of regulation]; [Harm caused and supporting evidence]

[State]: [Type of regulation]; [Harm caused and supporting evidence]

2. [Occupation]:

[State]: [Type of regulation]; [Harm caused and supporting evidence]

[State]: [Type of regulation]; [Harm caused and supporting evidence]

[State]: [Type of regulation]; [Harm caused and supporting evidence]

**26. For each occupation, provide evidence of any specific public harm that occurred prior to this occupation being regulated in that state.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]:

[State]: [information/evidence of harm];

[State]: [information/evidence of harm];

[State]: [information/evidence of harm].

2. [Occupation]:

[State]: [information/evidence of harm];

[State]: [information/evidence of harm];

[State]: [information/evidence of harm].

**\* 27. For each state that does not regulate these occupations, has any specific public harm occurred due to the occupation being unregulated?**

Yes

No

Don't know

**\* 28. For each unregulated occupation, provide evidence of the specific public harm that occurred in that state [e.g. news articles or releases, etc.]**

Please number and list each occupation on a separate line. For example:

1. [Occupation]:

[State]: [information/evidence of harm];

[State]: [information/evidence of harm];

[State]: [information/evidence of harm].

2. [Occupation]:

[State]: [information/evidence of harm];

[State]: [information/evidence of harm];

[State]: [information/evidence of harm].

**\* 29. Provide a summarizing statement from your agency or board why the license for each occupation that your agency regulates is warranted or should be eliminated.**

Please number and list each occupation on a separate line. For example:

1. [Occupation]: [Retain Regulation or Eliminate - Summarizing statement]

2. [Occupation]: [Retain Regulation or Eliminate - Summarizing statement]

3. [Occupation]: [Retain Regulation or Eliminate - Summarizing statement]

4. [Occupation]: [Retain Regulation or Eliminate - Summarizing statement]

30. Do you have any additional comments, questions, or concerns that you would like to share?

### Intro

Thank you for participating in the Wisconsin Occupational License Study survey. Your feedback is important. The deadline for participation is December 10, 2018.

Pursuant to 2017 Wisconsin Act 59, the Department of Safety and Professional Services (DSPS) is required to submit a report to the Governor and the Legislature that includes recommendations for reform relating to Wisconsin's occupational licenses.

The data and input collected will be used to provide recommendations for reform and improvement of Wisconsin's occupational licensing requirements.

### Please Read:

The terms below are used in the survey and defined as follows:

**“License”** means a state of Wisconsin-issued occupational license, credential, certification, or registration. “License” does not include permits, facility or establishment licenses, business licenses (such as a liquor license or vending license), or licenses required by a local or municipal ordinance.

**“Main job or occupation”** means your current and main occupation or job, job from which you are on layoff, or job at which you last worked if you are between jobs.

\* **Do you have a currently active occupational or professional license or credential that is issued by the state of Wisconsin?**

- Yes, I have an active license that is issued by the State of Wisconsin.
- No, my license application is pending.
- No, my license is inactive or expired.
- No, I do not hold a Wisconsin state-issued license.

**\* Specify the type of active license that you hold. If you hold multiple licenses, select the category type that best describes the license you use for your primary/main occupation.**

- Animal or Agriculture related
- Banking and Financial related (includes investments, insurance, lenders, collectors, tax assessor, charitable fundraising)
- Business related
- Chemical, Environmental, or Utilities Dealer, Supplier, or Applicator (includes fuel, gas, oil, water, power, pesticides, asbestos, hazardous materials, or waste products)
- Educator or School related (includes instructor, teacher, administrator, or service provider of elementary, secondary, postsecondary education)
- Food or Restaurant related
- Health or Medical related
- Legal, Security, or Enforcement related (i.e. attorney, investigator, inspector, tester, certifier, private detective, notary, etc.)
- Product or Vehicle Manufacturer, Broker, or Dealer
- Sales related
- Sports related
- Social Services (includes child and adult care services)
- Trades related
- Other (please specify)

**\* How useful is your license for each of the following?**

**a. Getting a job?**

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful

**\* b. Keeping a job?**

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful

**\* c. Keeping you marketable to employers or clients?**

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful

**\* d. Improving your work skills?**

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful

**\* e. Increasing your wages/salary?**

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful

\* Which of the following was required to obtain your license associated with your primary occupation? (Check all that apply.)

- High school diploma or equivalent
- Passing a test
- Demonstrating certain skills
- Completing an internship or apprenticeship
- Previous job-related experience
- Technical certification (Less than 2 years)
- Some college, no degree
- Associate degree
- Master's degree
- Doctoral or professional degree
- None of the above
- Other (please specify)

\* About how many hours of instruction did you complete to obtain your license associated with your primary occupation?

- Less than 40 hours
- 40-159 hours
- 160 to 479 hours
- 480 hours (half a full-time school year) to 959 hours
- 960 hours (1 full-time school year) or more

\* **Select the category that best describes the *initial* costs you incurred to *obtain* your license associated with your *primary* occupation.** (Include costs for initial education/tuition, registration fees, initial licensing fees, exam fees, required association fees, or other required costs you incurred to obtain your license.)

- Zero to \$200
- \$201 to \$500
- \$201 to \$500
- \$501 to \$1,000
- \$1,001 to \$5,000
- \$5,001 to \$10,000
- \$10,001 to \$50,000
- \$50,001 to \$100,000
- Greater than \$100,000

\* **Select the category that best describes the *ongoing* costs you incur to *retain* your license associated with your *primary* occupation.** (Include costs for continuing education, registration fees, renewal licensing fees, exam fees, required association fees, or other required costs you incur in order to keep your license.)

- Zero to \$200
- \$201 to \$500
- \$201 to \$500
- \$501 to \$1,000
- \$1,001 to \$5,000
- \$5,001 to \$10,000
- \$10,001 to \$50,000
- \$50,001 to \$100,000
- Greater than \$100,000

**\* Rate the level of hardship or barriers you faced to *obtain* your initial license.**

- None at all
- A small amount
- A moderate amount
- A large amount
- A great amount that resulted in my inability to get a license.

**\* Rate the level of hardship or barriers you face to *retain* your license.**

- None at all
- A small amount
- A moderate amount
- A large amount
- A great amount that resulted in my inability to maintain my license.

**\* Rate the importance that your license serves in protecting public citizens from harm or danger.**

- Extremely important. It's a matter of life or death.
- Very important. The public would be at risk for significant harm or danger if a license wasn't required for this occupation.
- Somewhat important. It's possible the public could be exposed to some risk if a license wasn't required for this occupation.
- Not so important. It's unlikely the public would be exposed to harm or danger if a license wasn't required for this occupation.
- Not at all important. There is no risk of harm or danger to the public if a license wasn't required for this occupation.

**\* Do you hold a similar occupational license in another state(s)?**

- Yes
- No

**\* Select the category that best describes the *initial* requirements to *obtain* your out of state license compared to Wisconsin's initial licensing requirements. (Compare educational and other requirements, fees and other costs.)**

- Way more than Wisconsin
- Somewhat more than Wisconsin
- About the same as Wisconsin
- Somewhat less than Wisconsin
- Way less than Wisconsin

**\* Select the category that best describes the *ongoing* requirements to *retain* your out of state license compared to Wisconsin's *ongoing* licensing requirements. (Compare educational and other requirements, fees and other costs.)**

- Way more than Wisconsin
- Somewhat more than Wisconsin
- About the same as Wisconsin
- Somewhat less than Wisconsin
- Way less than Wisconsin

**\* Rate the level of hardship or barriers you faced to *obtain* your *initial* out of state license.**

- The state has way more hardships and barriers than Wisconsin.
- The state has somewhat more hardships and barriers than Wisconsin.
- The state has about the same as Wisconsin.
- The state has somewhat less hardships and barriers than Wisconsin.
- The state has way less hardships and barriers than Wisconsin.

**\* Rate the level of hardship or barriers you face to *retain* your out of state license.**

- The state has way more hardships and barriers than Wisconsin.
- The state has somewhat more hardships and barriers than Wisconsin.
- The state has about the same as Wisconsin.
- The state has somewhat less hardships and barriers than Wisconsin.
- The state has way less hardships and barriers than Wisconsin.

**\* Are you aware of any instances where occupational licensing regulations have impacted the cost or availability of consumer goods or services? [i.e. increased costs for goods or services, decreased availability of practitioners]**

- Yes
- No

**\* Please provide specific examples where state licensing regulations have impacted the cost or availability of consumer goods or services.**

**\* How important is it to regulate Wisconsin's occupations in order to protect public citizens from harm or danger?**

- Extremely important. It's a matter of life or death.
- Very important. The public would be at risk for significant harm or danger if a license wasn't required for this occupation.
- Somewhat important. It's possible the public could be exposed to some risk if a license wasn't required for this occupation.
- Not so important. It's unlikely the public would be exposed to harm or danger if a license wasn't required for this occupation.
- Not at all important. There is no risk of harm or danger to the public if a license wasn't required for this occupation.

**\* Indicate what types of licenses should be regulated in order to protect public citizens from harm or danger. Check all that apply.**

- Animal or Agriculture related
- Banking and Financial related (includes investments, insurance, lenders, collectors, tax assessor, charitable fundraising)
- Business related
- Chemical, Environmental, or Utilities Dealer, Supplier, or Applicator (includes fuel, gas, oil, water, power, pesticides, asbestos, hazardous materials, or waste products)
- Educator or School related (includes instructor, teacher, administrator, or service provider of elementary, secondary, postsecondary education)
- Food or Restaurant related
- Health or Medical related
- Legal, Security, or Enforcement related (i.e. attorney, investigator, inspector, tester, certifier, private detective, notary, etc.)
- Product or Vehicle Manufacturer, Broker, or Dealer
- Sales related
- Sports related
- Social Services (includes child and adult care services)
- Trades related
- No occupations should be regulated
- Other (please specify)

**Please provide any information you would like to share.**

## VIII. Resources

1. State of Vermont - Application for Preliminary Sunrise Review Assessment  
[www.sec.state.vt.us/professional-regulation/sunrise-review.aspx](http://www.sec.state.vt.us/professional-regulation/sunrise-review.aspx)
2. Occupational Licensing Review Act Model Legislation  
[www.ncsl.org/Portals/1/Documents/Labor/Licensing/Knepper\\_OccupationalLicensingReviewAct\\_31961.pdf](http://www.ncsl.org/Portals/1/Documents/Labor/Licensing/Knepper_OccupationalLicensingReviewAct_31961.pdf)
3. The National Occupational Licensing Database  
[www.ncsl.org/research/labor-and-employment/occupational-licensing-statute-database.aspx#Additional%20Resources](http://www.ncsl.org/research/labor-and-employment/occupational-licensing-statute-database.aspx#Additional%20Resources)
4. Policymaker Questions to Ask When Considering Occupational Licensing Proposals  
[www.ncsl.org/Portals/1/HTML\\_LargeReports/occupationallicensing\\_final.htm](http://www.ncsl.org/Portals/1/HTML_LargeReports/occupationallicensing_final.htm)
5. Fact Sheet: New Steps to Reduce Unnecessary Occupation Licenses that are Limiting Worker Mobility and Reducing Wages  
[obamawhitehouse.archives.gov/the-press-office/2016/06/17/fact-sheet-new-steps-reduce-unnecessary-occupation-licenses-are-limiting](http://obamawhitehouse.archives.gov/the-press-office/2016/06/17/fact-sheet-new-steps-reduce-unnecessary-occupation-licenses-are-limiting)
6. Occupational Licensing: A Framework for Policymakers, July 2015  
[obamawhitehouse.archives.gov/sites/default/files/docs/licensing\\_report\\_final\\_nombargo.pdf](http://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nombargo.pdf)
7. Framework for Developing Consistent Descriptions of Regulatory Models - CLEAR (Council on Licensure, Enforcement, and Regulation)  
[www.clearhq.org/resources/Regulatory\\_Model\\_United\\_States.pdf](http://www.clearhq.org/resources/Regulatory_Model_United_States.pdf)

## IX. References

1. *States Take on Occupational Licensing Reform*; Billy Culleton, Strategic Government Relations Coordinator
2. *License to Work – A National Study of Burdens from Occupational Licensing - 2<sup>nd</sup> Edition*; Institute for Justice
3. *Occupational Licensing in Wisconsin Has Grown and Has Costs* – Collen Roth, Research Fellow, Wisconsin Institute for Law and Liberty
4. *A Fresh Start – Wisconsin’s Atypical Expungement Law and Options for Reform* – Public Policy Forum
5. *Regulation of Professional Occupations by the Department of Safety and Professional Services* – Information Paper 97, January 2015
6. *Occupational Licensing: Ranking the States and Exploring Alternatives* – Adam B. Summers, Reason Foundation
7. *The De-licensing of Occupations in the United States* - Robert J. Thornton and Edward J. Timmons, "Monthly Labor Review, U.S. Bureau of Labor Statistics, May 2015
8. National Conference of State Legislatures - [www.ncsl.org](http://www.ncsl.org)
9. *The State of Occupational Licensing: Research, State Policies and Trends, Occupational Licensing: Assessing State Policy and Practice* - National Conference of State Legislatures
10. *Occupational Licensing: A Framework for Policymakers* - U.S. Department of Treasury Office of Economic Policy, Council of Economic Advisers and Department of Labor, (Washington, D.C., The White House) 2015
11. *The Costs and Benefits of Occupational Regulation* - Carolyn Cox and Susan Foster, Federal Trade Commission, (Washington, D.C.), 1990
12. *Hearing on License to Compete: Occupational Licensing and State Action Doctrine,*" United States Committee on the Judiciary - Testimony presented by Jason Furman, February 2016
13. *The Right to Earn a Living Act: A Well-Considered Answer to Licensing* – Jon Sanders, March 2018
14. *Buttermaker License* – Jeanne Carpenter, CheeseUnderground.com, March 2010

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