



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

Room N208, 4822 Madison Yards Way, 2nd Floor, Madison

Contact: Debra Sybell (608) 266-2112

January 28, 2020

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

11:00 A.M.

**(OR IMMEDIATELY FOLLOWING THE PROFESSIONAL
COUNSELOR SECTION MEETING)**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of October 15, 2019 (3-5)**
- C. Conflicts of Interest
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Annual Policy Review **(6)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, and Delegation of Authorities **(7-9)**
 - 4) 2020 Meeting Dates **(10)**
 - 5) Board Member – Term Expiration Date
 - a. Cynthia Brown – 7/1/2023
 - b. Candace Coates – 7/1/2023
 - c. Bridget Ellingboe – 7/1/2020
 - d. Peter Fabian – 7/1/2018
 - e. Alice Hanson-Drew – 7/1/2013
 - f. Kristin Koger – 7/1/2022
 - g. Elizabeth Krueger – 7/1/2020
 - h. Kathleen Miller – 7/1/2021
 - i. Tammy Scheidegger – 7/1/2020
 - j. Andrea Simon – 7/1/2023
 - k. Lisa Yee – 7/1/2023
 - l. Vacant – Advanced Practice Social Worker Member
 - m. Vacant – Public Member (Social Worker Section)
- E. 11:00 A.M. PUBLIC HEARING: Clearinghouse Rule CR 19-166 – MPSW 20, Relating to Unprofessional Conduct (11-25)**
 - 1) Review and Respond to Public Hearing Comments and Clearinghouse Report

- F. 11:00 A.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 112-19 – MPSW 11, Relating to Degrees from Programs Accredited by the Commission for Accreditation of Counseling or the Council on Rehabilitation Education (11, 26-27)**
- G. 11:00 A.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS 105-19 – MPSW 2 and 3, Relating to the Clinical Social Work Concentration (11, 28-29)**
- H. Administrative Rule Matters – Discussion and Consideration (30)**
 - 1) MPSW 2 and 3, Relating to the Clinical Social Work Concentration (28-29)
 - 2) MPSW 11, Relating to Degrees from Programs Accredited by the Commission for Accreditation of Counseling or the Council on Rehabilitation Education (26-27)
 - 3) Pending or Possible Rulemaking Projects
- I. Discussion and Consideration of Items Added After Preparation of Agenda**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters
 - 8) Practice Matters
 - 9) Administrative Rule Matters
 - 10) Legislative and Policy Matters
 - 11) Liaison Reports
 - 12) Board Liaison Training and Appointment of Mentors
 - 13) Informational Items
 - 14) Division of Legal Services and Compliance (DLSC) Matters
 - 15) Motions
 - 16) Petitions
 - 17) Appearances from Requests Received or Renewed
 - 18) Speaking Engagements, Travel, or Public Relation Requests, and Reports
- J. Public Comments**

ADJOURNMENT

NEXT MEETING: APRIL 14, 2020

 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
OCTOBER 15, 2019**

PRESENT: Peter Fabian, Alice Hanson-Drew (*via Skype*), Kristin Koger, Kathleen Miller (*via Skype*), Tammy Scheidegger, Andrea Simon, Todd Tedrow (*via Skype*), Gregory Winkler, Lisa Yee

EXCUSED: Bridget Ellingboe, Elizabeth Krueger

STAFF: Debra Sybell, Executive Director; Jameson Whitney, Board Legal Counsel; Jon Derenne, Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; and other DSPS Staff

CALL TO ORDER

Kristin Koger, Chairperson, called the meeting to order at 11:04 a.m. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JULY 23, 2019

Amendments to the Minutes:

- Page 1 of the Minutes: **CORRECT** the first sentence on the first page as outlined below:
 - “~~Bridget Ellingboe~~ **Kristin Koger**, Chairperson, called the meeting to order.”

MOTION: Tammy Scheidegger moved, seconded by Lisa Yee, to adopt the Minutes of July 23, 2019 as amended. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE 19-116, RELATING TO
DISCRIMINATION BASED ON ARREST OR CONVICTION RECORD**

MOTION: Kathleen Miller moved, seconded by Andrea Simon, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 19-116, relating to discrimination based on arrest or conviction record, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE 19-115, RELATING TO EDUCATION EQUIVALENT TO A DEGREE IN MARRIAGE AND FAMILY THERAPY FROM A PROGRAM ACCREDITED BY COAMFTE

MOTION: Tammy Scheidegger moved, seconded by Gregory Winkler, to accept all Clearinghouse comments for Clearinghouse Rule 19-115, relating to education equivalent to a degree in marriage and family therapy from a program accredited by COAMFTE. Motion carried unanimously.

MOTION: Peter Fabian moved, seconded by Lisa Yee, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 19-115, relating to education equivalent to a degree in marriage and family therapy from a program accredited by COAMFTE, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULES MATTERS

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

MOTION: Gregory Winkler moved, seconded by Andrea Simon, to approve the preliminary rule draft of MPSW 3, relating to the practice requirement for licensure as a clinical social worker, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

MPSW 1, 3, 5, Relating to Examinations

MOTION: Gregory Winkler moved, seconded by Tammy Scheidegger, to approve the preliminary rule draft of MPSW 1, 3, and 5, relating to examinations, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

MPSW 20, Relating to Unprofessional Conduct

MOTION: Gregory Winkler moved, seconded by Tammy Scheidegger, to authorize the Chairperson to approve the preliminary rule draft of MPSW 20, relating to unprofessional conduct, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

ASWB Exam Use Policy

MOTION: Gregory Winkler moved, seconded by Tammy Scheidegger, to delegate to the Social Worker Section the authority to discuss the ASWB exam use policy changes and possibly draft a waiver request for submission to the ASWB. The MPSW Examining Board Chairperson shall review any waiver request and, if approved, submit it on behalf of the Board. Motion carried unanimously.

LRB 4287, Relating to Continuing Education on Suicide Prevention

MOTION: Peter Fabian moved, seconded by Tammy Scheidegger, to authorize the Chairperson to work with Board Legal Counsel to draft a statement regarding the Board's position on Assembly Bill 526 and any Senate companion legislation, relating to continuing education on suicide prevention, and to authorize the Chairperson to approve the final language of the statement and sign on behalf of the Board. Motion carried unanimously.

ADJOURNMENT

MOTION: Gregory Winkler moved, seconded by Andrea Simon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:52 p.m.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Brice McCluskey, Operations Program Associate		2) Date When Request Submitted: 1/16/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: 1/28/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum – Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting, we ask that you let us know ASAP as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 2. Walking Quorum – Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 3. Agenda Deadlines – Please let your Executive Director know if you have items to be considered on an upcoming agenda no less than 8 business days prior to a meeting when possible. DSPS Boards-Reference Materials-Meeting Timeline 4. Travel Voucher and Per Diem Submissions – Please submit all Per Diem and Reimbursement Claims to DSPS within 30 days of date an expense is incurred. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 5. Lodging Accommodations/Hotel Cancellation Policy – Lodging accommodations are provided to members who must leave home before 6:00 a.m. to attend a meeting. If you cannot attend a meeting it is the board member’s responsibility to cancel their reservation within the stated cancellation timeframe. If a meeting is changed to a teleconference or cancelled or rescheduled, DSPS staff will make lodging cancellations or modifications as needed. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 6. Inclement Weather Policy – In the event of inclement weather the agency may change a meeting from an in-person meeting to a teleconference. 			
11) Authorization			
<i>Brice McCluskey</i>		1/16/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 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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4) Meeting Date: 1/28/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters: 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A									
10) Describe the issue and action that should be addressed: 1) The Board should conduct Election of its Officers for 2020 2) The Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities or any additional delegations that may be deemed necessary											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Brice McCluskey</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"><i>1/16/2020</i></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Brice McCluskey</i>	<i>1/16/2020</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	
<i>Brice McCluskey</i>	<i>1/16/2020</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											
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**MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD**

2019 Elections and Liaison Appointments

2019 ELECTION RESULTS	
Chairperson	Kristin Koger
Vice Chairperson	Kathleen Miller
Secretary	Bridget Ellingboe

2019 LIAISON APPOINTMENTS	
Specialty Liaison	Peter Fabian <i>Alternate: Tammy Scheidegger</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Bridget Ellingboe moved, seconded by Kristin Koger, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Alice Hanson-Drew moved, seconded by Bridget Ellingboe, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Tammy Scheidegger moved, seconded by Alice Hanson-Drew, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Specialty Liaison Delegation

MOTION: Tammy Scheidegger moved, seconded by Bridget Ellingboe, to delegate authority to the Specialty Liaison to address all issues pertaining to specialty designations. Motion carried unanimously.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 1/21/2020 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: 1/28/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2020 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please review the finalized 2020 meeting dates. Any conflicts should be identified so to ensure quorum. Also, consider meeting scheduling and timing of Section meetings throughout the year. 1/28/2020 4/14/2020 7/21/2020 10/13/2020			
11) Authorization			
<i>Kimberly Wood</i>		1/21/2020	
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			
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AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: January 15, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: January 28, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Public Hearing on Clearinghouse Rule relating to unprofessional conduct. -Review and respond to Clearinghouse Report and Public Hearing comments. 2. Preliminary Hearing on Scope for SS 112-19 relating to degrees from programs accredited by the Commission for Accreditation of Counseling or the Council on Rehabilitation Education. 3. Preliminary Hearing on Scope for SS 105-19 relating to the clinical social work concentration.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i>		January 15, 2020	
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			
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STATE OF WISCONSIN
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL
COUNSELING AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF RULEMAKING : 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)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to amend MPSW 20.02 (intro.), (8), (10) (c), (12), (13), (14), (18), (20), and (23); to repeal and recreate MPSW 20.02 (11) and (16); and to create MPSW 20.02 (13g), (13r), (24), (25), (26), (27), (28), (29), (30), and (31) relating to unprofessional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 457.03 (2), Stats.

Statutory authority: Sections 15.08 (5) (b) and 457.03 (2), Stats.

Explanation of agency authority:

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

Section 457.03 (2), Stats., states that the board shall “Upon the advice of the social work section, marriage and family therapist section, and professional counselor section, promulgate rules establishing a code of ethics to govern the professional conduct of certificate holders and licensees...”

Related statute or rule: None.

Plain language analysis:

This rule project revises ch. MPSW 20 to update the rules of professional conduct for marriage and family therapists, professional counselors, and social workers to bring them

into line with current professional standards, and revises existing provisions for conciseness and clarity.

Substantive changes include revising the chapter to prohibit discrimination on the basis of gender (as opposed to sex) and gender identity, and removes “color” as an unlawful basis of discrimination.

The rule also expands upon what shall be considered inappropriate sexual behavior with a client, and imposes a ban on any romantic relationship with a client, regardless of the amount of time elapsed since the clinical relationship has terminated. The rule creates a provision forbidding a credentialed person from taking unfair advantage of any professional relationship, or exploiting clients, supervisees, or students. The rule also prohibits practitioners from employing or promoting any intervention or method that has the purpose of attempting to change a person’s sexual orientation or gender identity. Further, the rule prohibits the development of any personal relationship with a client, or former client, within two years of the termination of the clinical relationship, if that relationship might impact the credentialed person’s objectivity.

The rule also codifies the duty of a credentialed person to cooperate with the section during investigations, and a duty for supervisors to ensure that subordinate employees are properly supervised.

Finally, the rule provides a duty to notify the appropriate section within 48 hours of a criminal conviction, a duty to comply with mandatory child abuse reporting requirements under state law, and requires that credential holders obtain written informed consent from a client or the client’s legal representative prior to taping, recording, or filming clinical sessions.

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

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: None.

Comparison with rules in adjacent states:

Illinois: Illinois law does not prohibit sexual contact with former clients beyond two years after the termination of treatment for social workers and marriage and family therapists, and five years for professional counselors. Although Illinois law does not explicitly prohibit practitioners from employing or promoting any intervention or method that has the purpose of attempting to change a person’s sexual orientation or gender identity, Illinois prohibits practitioners from engaging in any action that diminishes the civil or legal rights of clients, or results in the sexual exploitation of clients.

Illinois prohibits discrimination on the basis of gender rather than sex, and does not mention “color” as a forbidden grounds of discrimination. Illinois additionally prohibits discrimination based on “choice of lifestyle.”

Illinois law further requires practitioners to provide adequate supervision to subordinates, and requires practitioners to seek supervision or other assistance when necessary.

Illinois does not expressly provide for a duty to comply with Board investigations, inform the Board of any criminal convictions, or not to aid or abet unlicensed practice.

(Ill. Admin Code ss. 1283.100, 1470.96, and 1375.225).

Iowa: Social worker professional standards for conduct are determined and administered by the Iowa Board of Social Work. Rules allow for the discipline of a practitioner who negligently delegates duties or supervision of employees. The rules do not appear to expressly restrict sexual contact with a client or past client, prohibit discrimination, prohibit employing or promoting any intervention or method that has the purpose of attempting to change a person’s sexual orientation or gender identity, or require notice to the board after conviction of a crime, although there is a provision requiring social workers to conform to the minimal standard of acceptable and prevailing practice within the state. (IAC s. 645.283.2).

The Iowa Board of Behavioral Science regulates professional counselors and marriage and family therapists. The rules require notification of a criminal conviction and cooperation with the Board. The rules also require the licensee not to aid or abet unlawful practice. Further, a licensee may not engage in sexual contact with a current client, or a former client for 5 years, or indefinitely, if the client has a history of any physical, emotional, or sexual abuse, or has been diagnosed with any form of psychosis or personality disorder, or if the client is likely to continue to need therapy for a chronic condition. Although the Board’s rules do not expressly prohibit discrimination based on traditionally unlawful grounds, the rules do prohibit unethical conduct generally. (IAC s. 645.33.2).

Michigan: Michigan statute provides a list of provisions, the violation of which would result in penalties to a person credentialed under the Michigan Occupational Code, including social workers, professional counselors, and marriage and family therapists:

- (a) Practices fraud or deceit in obtaining a license or registration.
- (b) Practices fraud, deceit, or dishonesty in practicing an occupation.
- (c) Violates a rule of conduct of an occupation.
- (d) Demonstrates a lack of good moral character.
- (e) Commits an act of gross negligence in practicing an occupation.
- (f) Practices false advertising.
- (g) Commits an act which demonstrates incompetence.
- (h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.

- (i) Fails to comply with a subpoena issued under this act.
- (j) Fails to respond to a citation as required by section 555.
- (k) Violates or fails to comply with a final order issued by a board, including a stipulation, settlement agreement, or a citation.
- (l) Aids or abets another person in the unlicensed practice of an occupation.

(MCL s. 339.604).

Additionally, professional counseling and marriage and family therapist licensees are prohibited by rule from performing any acts, tasks, or functions within the practice of their occupation unless trained to perform the task, act, or function in question. (MCL s. 333.18511, 333.18105).

Minnesota: Minnesota's social work statute prohibits discrimination on the same grounds as Wisconsin, except they have not removed "color" as an unlawful basis. (Minn. Stats. 148E.215). Although the professional counselor administrative rules do not expressly prohibit discrimination on the traditionally unlawful grounds or prohibit employing or promoting any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity, there is a provision requiring professional counselors to conform to minimum standards of acceptable and prevailing practice. (Minn. Admin R. 2150.7600).

Personal relationships between social workers, professional counselors, and marriage and family therapists and clients are prohibited if it would create a risk of client harm or of impairing a credential holder's objectivity or judgment. Personal relationships with former clients are prohibited if a reasonable and prudent social worker would conclude that either the former client or social worker is emotionally dependent on the other. Minnesota also prohibits sexual contact with a client, and sexual contact with a former client for at least two years after the conclusion of the professional relationship. Sexual contact with a former client is never allowed if the social worker engaged in diagnosing, counseling, or treating a client with a mental, emotional, or behavioral disorder; unless the social worker can demonstrate that they have not intentionally or unintentionally coerced, exploited, deceived, or manipulated the client, has not suggested to the client that sexual conduct is consistent with or part of the former client's treatment, and neither the client nor the social worker are emotionally dependent on each other. (See Minn. Stats. 148E.220, Minn. Admin R. 2150.7540).

Minnesota requires social workers to report criminal convictions to the Board within 90 days. Social workers also have a duty under Minnesota law to comply with state reporting requirements relating to duty to warn, maltreatment of minors, and maltreatment of vulnerable adults. (Minn. Stats. 148E.240). Social workers are also obligated to fully cooperate with board investigations. (Minn. Stats. 148E.250).

Finally, social workers have an affirmative duty to seek supervision or consult when appropriate or necessary for competent practice, and an affirmative duty not to delegate

tasks that a supervisor reasonably should know the individual is not competent to perform. (Minn. Stats. 148E.200).

Summary of factual data and analytical methodologies:

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board performed a comprehensive review of chapter MPSW 20. There had not been a comprehensive review of this code chapter since 2002. This rule project reflects the Board's efforts to revise the chapter for clarity, remove obsolete provisions, and ensure the chapter is current with professional standards and practices.

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

This rule will be posted for 14 days for comments relating to the economic impact of the rule.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached.

Effect on small business:

The Board is currently soliciting comments to analyze possible economic impact on small business.

Agency contact person:

Jon Derenne, 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 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing scheduled for 11:00 AM on January 28, 2020 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 20.02 (intro.), (8) and (10) (c) are amended to read:

MPSW 20.02 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:

(8) Discriminating on the basis of age, race, ~~color, sex~~gender, gender identity, religion, creed, national origin, ancestry, disability or sexual orientation by means of service provided or denied.

(10) (c) If necessary to prevent injury to the client or another person, or to report suspected abuse or neglect of a child, or threatened abuse or neglect of a child, including mandatory reports under state or federal law.

SECTION 2. MPSW 20.02 (11) is repealed and recreated to read:

MPSW 20.02 (11) Engaging in sexual contact, sexual conduct, or any other behavior which could reasonably be construed as seductive, romantic, harassing, or exploitative, with:

(a) A client.

(b) A former client, regardless of the amount of time that has passed since the termination of professional services.

(c) A person to whom the credentialed person is providing teaching, supervisory, or other instructional services.

SECTION 3. MPSW 20.02 (12) and (13) are amended to read:

MPSW 20.02 (12) Failing to ~~provide~~obtain the informed consent of the client or client's authorized representative prior to providing treatment ~~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.

SECTION 4. MPSW 20.02 (13c) and (13g) are created to read:

MPSW 20.02 (13g) Developing a personal relationship with a former client that would impact the credentialed person's objectivity. This restriction shall apply for two years following the termination of the credential holder-client relationship.

(13r) Taking unfair advantage of any professional relationship, or exploiting clients, students, or supervisees.

SECTION 5. MPSW 20.02 (14) is amended to read:

MPSW 20.02 (14) Failing to conduct an assessment, evaluation, or diagnosis as a basis for treatment ~~consultation~~.

SECTION 6. MPSW 20.02 (16) is repealed and recreated to read:

MPSW 20.02 (16) In the conduct of research, failing to obtain the informed consent of a study participant, failing to protect participants from physical or mental discomfort, harm or danger, or failing to detect and remove any undesirable consequences to the participants resulting from research procedures.

SECTION 7. MPSW 20.02 (18) is amended to read:

MPSW 20.02 (18) Failing to maintain adequate records relating to services provided to 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 state or federal law.

SECTION 8. MPSW 20.02 (20) and (23) are amended to read:

MPSW 20.02 (20) Failing to notify the board that a ~~license, certificate or registration~~ credential for permitting the practice of any profession previously issued to the credential holder has been revoked, suspended, limited, ~~or~~ denied, surrendered under investigation, or subject to any other disciplinary action by the authorities of any jurisdiction.

(23) Having a ~~license, registration, or certificate~~ credential permitting the practice or use of a title related to ~~of~~ marriage and family therapy, professional counseling, or social work revoked, suspended, limited, denied, surrendered under investigation, or, or authorizing the use of the title "marriage and family therapist," "professional counselor," "social worker", or similar terms, subject to discipline ~~revoked, suspended, limited, or subjected to any other discipline,~~ by any other jurisdiction.

SECTION 9. MPSW 20.02 (24), (25), (26), (27), (28), (29), (30), and (31) are created to read:

(24) Failing to notify the appropriate section in writing within 48 hours after the entry of a judgment of conviction for a felony or misdemeanor against the credentialed person, including the date, place, and nature of the conviction or finding. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information

which describes the nature of the crime in order that the section may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the credential holder's practice.

(25) Employing or promoting any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity, including attempting to change behaviors or expressions of self or to reduce sexual or romantic attractions or feelings toward individuals of the same gender. This does not include counseling that assists a client who is seeking to undergo a gender transition or who is in the process of undergoing a gender transition, or counseling that provides a client with acceptance, support, understanding, or that facilitates a client's coping, social support, and identity exploration or development. Nor does it include counseling in the form of sexual orientation-neutral or gender identity-neutral interventions provided for the purpose of preventing or addressing unlawful conduct or unsafe sexual practices, so long as the counseling is not provided for the purpose of attempting to change the client's sexual orientation or gender identity.

(26) Knowingly aiding, assisting, or advising in the unlawful practice of marriage and family therapy, professional counseling, or social work.

(27) Failing to comply with mandatory child abuse reporting requirements under state or federal law.

(28) Failing to obtain written, informed consent from the client or client's legal representative prior to the use of electronic taping, recording, or filming procedures, unless the electronic taping, recording, or filming is necessary as part of a legal investigation or proceedings.

(29) Failing to exercise an adequate degree of supervision over subordinates.

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

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

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 26, 2019
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 20	
4. Subject Unprofessional Conduct	
5. Fund Sources Affected <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	6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" 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	
8. The Rule Will Impact the Following (Check All That Apply) <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 (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The board did a comprehensive review of its professional standards rule and revised the chapter to bring it into line with current professional standards and to enhance conciseness and clarity.	
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. This rule was posted for economic comments and none were received. The Board is not aware of any licensees whose practice may be economically impacted by the change in the unprofessional conduct rules.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
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) None.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule is that the Board's rules relating to professional conduct will be brought into conformity with current practice. The alternative of implementing the rule is to leave the code in its unrevised state, not reflecting current standards and expectations of practitioners credentialed by the board.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is to update the code to ensure it truly reflects current practice.	
17. Compare With Approaches Being Used by Federal Government The federal government does not regulate professional conduct standards for social workers, professional counselors and marriage and family therapists.	
18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)	

Illinois: Illinois law does not prohibit sexual contact with former clients beyond two years after the termination of treatment for social workers and marriage and family therapists, and five years for professional counselors. Although Illinois law does not explicitly prohibit practitioners from employing or promoting any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity, Illinois prohibits practitioners from engaging in any action that diminishes the civil or legal rights of clients, or results in the sexual exploitation of clients.

Illinois prohibits discrimination on the basis of gender rather than sex, and does not mention "color" as a forbidden grounds of discrimination. Illinois additionally prohibits discrimination based on "choice of lifestyle."

Illinois law further requires practitioners to provide adequate supervision to subordinates, and requires practitioners to seek supervision or other assistance when necessary.

Illinois does not expressly provide for a duty to comply with Board investigations, inform the Board of any criminal convictions, or not to aid or abet unlicensed practice.

(Ill. Admin Code ss. 1283.100, 1470.96, and 1375.225).

Iowa: Social worker professional standards for conduct are determined and administered by the Iowa Board of Social Work. Rules allow for the discipline of a practitioner who negligently delegates duties or supervision of employees. The rules do not appear to expressly restrict sexual contact with a client or past client, prohibit discrimination, prohibit employing or promoting any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity, or require notice to the board after conviction of a crime, although there is a provision requiring social workers to conform to the minimal standard of acceptable and prevailing practice within the state. (IAC s. 645.283.2).

The Iowa Board of Behavioral Science regulates professional counselors and marriage and family therapists. The rules require notification of a criminal conviction and cooperation with the Board. The rules also require the licensee not to aid or abet unlawful practice. Further, a licensee may not engage in sexual contact with a current client, or a former client for 5 years, or indefinitely, if the client has a history of any physical, emotional, or sexual abuse, or has been diagnosed with any form of psychosis or personality disorder, or if the client is likely to continue to need therapy for a chronic condition. Although the Board's rules do not expressly prohibit discrimination based on traditionally unlawful grounds, the rules do prohibit unethical conduct generally. (IAC s. 645.33.2).

Michigan: Michigan statute provides a list of provisions, the violation of which would result in penalties to a person credentialed under the Michigan Occupational Code, including social workers, professional counselors, and marriage and family therapists:

- (a) Practices fraud or deceit in obtaining a license or registration.
 - (b) Practices fraud, deceit, or dishonesty in practicing an occupation.
 - (c) Violates a rule of conduct of an occupation.
 - (d) Demonstrates a lack of good moral character.
 - (e) Commits an act of gross negligence in practicing an occupation.
 - (f) Practices false advertising.
 - (g) Commits an act which demonstrates incompetence.
 - (h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.
 - (i) Fails to comply with a subpoena issued under this act.
-

(j) Fails to respond to a citation as required by section 555.

(k) Violates or fails to comply with a final order issued by a board, including a stipulation, settlement agreement, or a citation.

(l) Aids or abets another person in the unlicensed practice of an occupation.

(MCL s. 339.604).

Additionally, professional counseling and marriage and family therapist licensees are prohibited by rule from performing any acts, tasks, or functions within the practice of their occupation unless trained to perform the task, act, or function in question. (MCL s. 333.18511, 333.18105).

Minnesota: Minnesota’s social work statute prohibits discrimination on the same grounds as Wisconsin, except they have not removed “color” as an unlawful basis. (Minn. Stats. 148E.215). Although the professional counselor administrative rules do not expressly prohibit discrimination on the traditionally unlawful grounds or prohibit employing or promoting any intervention or method that has the purpose of attempting to change a person’s sexual orientation or gender identity, there is a provision requiring professional counselors to conform to minimum standards of acceptable and prevailing practice. (Minn. Admin R. 2150.7600).

Personal relationships between social workers, professional counselors, and marriage and family therapists and clients are prohibited if it would create a risk of client harm or of impairing a credential holder’s objectivity or judgment. Personal relationships with former clients are prohibited if a reasonable and prudent social worker would conclude that either the former client or social worker is emotionally dependent on the other. Minnesota also prohibits sexual contact with a client, and sexual contact with a former client for at least two years after the conclusion of the professional relationship. Sexual contact with a former client is never allowed if the social worker engaged in diagnosing, counseling, or treating a client with a mental, emotional, or behavioral disorder; unless the social worker can demonstrate that they have not intentionally or unintentionally coerced, exploited, deceived, or manipulated the client, has not suggested to the client that sexual conduct is consistent with or part of the former client’s treatment, and neither the client nor the social worker are emotionally dependent on each other. (See Minn. Stats. 148E.220, Minn. Admin R. 2150.7540).

Minnesota requires social workers to report criminal convictions to the Board within 90 days. Social workers also have a duty under Minnesota law to comply with state reporting requirements relating to duty to warn, maltreatment of minors, and maltreatment of vulnerable adults. (Minn. Stats. 148E.240). Social workers are also obligated to fully cooperate with board investigations. (Minn. Stats. 148E250).

Finally, social workers have an affirmative duty to seek supervision or consult when appropriate or necessary for competent practice, and an affirmative duty not to delegate tasks that a supervisor reasonably should know the individual is not competent to perform. (Minn. Stats. 148E.200).

19. Contact Name Jon Derenne, Administrative Rules Coordinator	20. Contact Phone Number (608) 266-0955
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This document can be made available in alternate formats to individuals with disabilities upon request.

b. In the board's analysis for the proposed rule, the descriptions for the analysis and supporting documents, fiscal estimate, and effect on small business should each be revised from the future or present tense to past tense.

ATTACHMENT A

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)

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

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:
-

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 19-166

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.]

2. Form, Style and Placement in Administrative Code

a. In s. MPSW 20.02 (10) (c), the semicolon that exists in the current rule should be shown with a strike-through before the inserted, underscored language. Additionally, for the sake of clarity and in accordance with current drafting conventions, the board should consider amending s. MPSW 20.02 (10) (intro.) and its subunits. Currently, each subunit in the list ends with a semicolon, and there are two uses of “or”, in both pars. (b) and (e), which may be confusing for a reader. Consider revising the introductory statement to insert the word “any”, and revising each of the subunits to end with a period rather than a semicolon and to remove both instances of the word “or”. [s. 1.03 (4), Manual.]

b. SECTIONS 7 and 8 of the proposed rule could be combined into one SECTION. When two or more subsections of a rule provision are affected by the same treatment, they may be included in the same SECTION, so long as any intervening subunits are unaffected. [s. 1.04 (2) (a) 4., Manual.] The subsequent SECTIONS of the proposed rule should be renumbered accordingly.

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

a. In the board’s analysis for the proposed rule, the spacing in the first paragraph describing the corresponding Iowa rules should be fixed for the extra space before the comma in the sixth line, and the missing space after the comma.

STATEMENT OF SCOPE

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

Rule No.: MPSW 2 and 3

Relating to: Clinical social work concentration

Rule Type: Permanent

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

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

In order to obtain a clinical social work license, an individual must have a master's or doctorate degree in social work. As part of that master's or doctorate degree program, the individual completed a clinical social work concentration. The proposed rule will review and update the requirements for a program to be considered having a clinical social work concentration.

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:

Currently to qualify as a clinical social work concentration the course of study includes one course in psychopathology and social work and two theory and practice courses from the following list: case management; clinical assessment and treatment of specific populations and problems; psychopharmacology; psychotherapeutic interventions; or electives such as family therapy, social work with groups or gender related issues and topics.

The Board will be reviewing qualifications for a clinical social work concentration in light of enabling there to be increased practitioner mobility to and from the state of Wisconsin.

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 and renewal of a certificate at each level of practice established in rules promulgated under this subsection.

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

100 hours

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

Applicants for a clinical social worker license

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. This rule is not likely to have a significant economic impact on small businesses.

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



Authorized Signature

7-23-19

Date Submitted

STATEMENT OF SCOPE

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

Rule No.: MPSW 11.01

Relating to: Degrees from programs accredited by the Commission for Accreditation of Counseling or the Council on Rehabilitation Education

Rule Type: Permanent

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

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

The objective is to remove the automatic acceptance to meet the educational standards of programs which are accredited by the Commission for Accreditation of Copounseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE).

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:

Currently programs which are accredited by CACREP or the CORE are accepted as meeting the educational requirements for being equivalent to a master's or doctoral degree in professional counseling. While the requirements in MPSW 14 are based upon the accreditation standards, the requirements are not identical and not all CACREP and CORE programs meet the requirements. Therefore, the Board is proposing the removal of the automatic acceptance of CACREP and CORE accredited programs in order to meet requirements equivalent to a degree in professional counseling.

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:

50 hours

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

Applicants for a professional counseling license

Rev. 3/6/2012

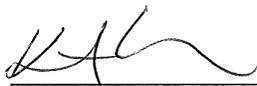
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

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. This rule is not likely to have a significant economic impact on small business.

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



Authorized Signature

7-23-19

Date Submitted

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: January 15, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: January 28, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. MPSW 2 and 3 relating to the clinical social work concentration. 2. MPSW 11 relating to Degrees from programs accredited by the Commission for Accreditation of Counseling or the Council on Rehabilitation Education.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i> Signature of person making this request		January 15, 2020 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			