



**TELECONFERENCE/VIRTUAL
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, Madison
Contact: Christian Albouras (608) 266-2112
July 21, 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 April 14, 2020 (3-5)**
- C. Conflicts of Interest
- D. Introductions, Announcements and Recognition – Discussion and Consideration**
 - 1) New Member: Lindsey Marsh, Marriage and Family Therapist Member (Will Replace: Fabian)
 - 2) Resignation: Kristin Koger, Independent Social Worker Member
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Member – Term Expiration Date
- F. Division of Legal Services and Compliance Matters – Discussion and Consideration**
 - 1) Proposal to Utilize Case Advisors **(6)**
- G. Administrative Rule Matters – Discussion and Consideration (7-8)**
 - 1) Adoption Order for CR 19-137, Relating to Social Worker Examinations **(9-15)**
 - 2) Adoption Order for CR 19-138, Relating to the Practice Requirement for Licensure as a Clinical Social Worker **(16-19)**
 - 3) Preliminary Rule Draft for MPSW 11, Relating to CACREP Automatic Approval **(20-30)**
 - 4) Scope Statement for MPSW 3, 11, and 17, Relating to Application Requirements for Credentials **(31-32)**
 - 5) Status Update on CR 19-166, Relating to Unprofessional Conduct

- 6) Status Update on ASWB Exam Use Policy Exception Request
- 7) Pending or Possible Rulemaking Projects

H. Public Agenda Request: Guidance Document Regarding Conversion Therapy – Discussion and Consideration (33)

I. COVID-19 – Discussion and Consideration

- 1) Public Agenda Request: Extension of Temporary Certificate Period for Social Workers

J. Section Reports - Discussion and Consideration

K. Discussion and Consideration of Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Administrative Rule Matters
- 10) Legislative and Policy Matters
- 11) Liaison Reports
- 12) 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

L. Public Comments

ADJOURNMENT

NEXT MEETING: OCTOBER 13, 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 at 608-266-2112 or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL
WORK EXAMINING BOARD
MEETING MINUTES
APRIL 14, 2020**

PRESENT: Cynthia Adell, Cynthia Brown, Candace Coates, Bridget Ellingboe, Peter Fabian, Kristin Koger, Kathleen Miller, Tammy Scheidegger, Andrea Simon, Lisa Yee

EXCUSED: Elizabeth Krueger

STAFF: Christian Albouras, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Rules Coordinator; Megan Glaeser, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Kathleen Miller, Chairperson, called the meeting to order at 9:12 a.m. A quorum of ten (10) members was confirmed.

ADOPTION OF AGENDA

MOTION: Tammy Scheidegger moved, seconded by Candace Coates, to approve the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 28, 2020

MOTION: Tammy Scheidegger moved, seconded by Peter Fabian, to approve the Minutes of January 28, 2020 as published. Motion carried unanimously.

INTRODUCTIONS

MOTION: Bridget Ellingboe moved, seconded by Cynthia Brown, to recognize and thank Peter Fabian for his years of service to the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, the Marriage & Family Therapy Section, and the State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Appointments of Liaisons and Alternates

2020 LIAISON APPOINTMENTS	
Specialty Liaison	Tammy Scheidegger <i>Alternate:</i> Kathleen Miller

ADMINISTRATIVE RULES MATTERS

Adoption Order for CR 18 -098 – MPSW 1.09, Relating to Substance Use Disorder Specialty Authorization

MOTION: Peter Fabian moved, seconded by Tammy Scheidegger, to approve the Adoption Order for Clearinghouse Rule 18-098, relating to the substance use disorder specialty. Motion carried unanimously.

Adoption Order for CR 19-115 – MPSW 16, Relating to Education Equivalent to a Graduate Degree in Marriage and Family Therapy from a Program Accredited by COAMFTE

MOTION: Bridget Ellingboe moved, seconded by Peter Fabian, to approve the Adoption Order for Clearinghouse Rule 19-115, relating to education equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE. Motion carried unanimously.

Adoption Order for CR 19-116 – MPSW 3, 11 and 16, Relating to Discrimination Based on Arrest or Conviction Record

MOTION: Candace Coates moved, seconded by Kristin Koger, to approve the Adoption Order for Clearinghouse Rule 19-116, relating to discrimination based on arrest or conviction record. Motion carried unanimously.

Letter to ASWB Requesting an Exemption to its New Exam Use Policy to Allow SWTCs and LCSWs to Continue to Take the Bachelor's Level Exam and Clinical Level Exam, Respectively

MOTION: Candace Coates moved, seconded by Kristin Koger, to approve the ASWB exam use exception request letter for submission to ASWB on behalf of the MPSW Examining Board. Motion carried unanimously.

Guidance Document Process Regarding Telehealth

MOTION: Tammy Scheidegger moved, seconded by Andrea Simon, to authorize the Chairperson to approve the proposed guidance document and notice of public comment for the proposed guidance document relating to the provision of telehealth and remote supervision of credential applicant's clinical training hours, for publication in the administrative register. Motion carried unanimously.

Request for Emergency Rules Suspension

MOTION: Candace Coates moved, seconded by Cynthia Adell, to request the Governor temporarily suspend the following administrative rules MPSW 19.02(2)(b) requiring that Social Work ethics continuing education be conducted in an interactive learning environment. Motion carried unanimously.

MOTION: Tammy Scheidegger moved, seconded by Bridget Ellingboe, to request the department review and draft a proposed suspension of Administrative Rules

relating to internship hour requirements for credential applicants for the Chairpersons of the MPSW Examining Board, Marriage & Family Therapy Section, Professional Counselor Section, and Social Worker Section to review and approve. Motion carried unanimously.

ADJOURNMENT

MOTION: Peter Fabian moved, seconded by Tammy Scheidegger, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:35 a.m.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Gretchen Mrozinski, Attorney Supervisor, Division of Legal Services and Compliance		2) Date When Request Submitted: January 30, 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: April 14, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Proposal to utilize Case Advisors	
7) Place Item in: <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Discuss and decide whether to utilize Case Advisors in case evaluation of open cases.			
11) Authorization			
		1/31/2020	
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: 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.			

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: July 9, 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: July 21, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Adoption Order for CR 19-137 relating to social worker examinations. 2. Adoption Order for CR 19-138 relating to the practice requirement for licensure as a clinical social worker. 3. Preliminary rule draft for MPSW 11 relating to CACREP automatic approval. 4. Scope statement for MPSW 3, 11, and 17 relating to application requirements for credentials. 5. Status update on CR 19-166 relating to unprofessional conduct. 6. Status update on ASWB exam use policy exception request.	
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: 1. Review and consider executing adoption order for CR 19-137 relating to social worker examinations. 2. Review and consider executing adoption order for CR 19-138 relating to practice requirements for licensure as a clinical social worker. 3. Review and consider preliminary rule draft for MPSW 11 relating to CACREP automatic approval for economic impact comment posting and submission to clearinghouse. 4. Review and consider scope statement for MPSW 3, 11, and 17 relating to application requirements for credentials for publication.			
11) Authorization			
<i>Jon Derenne</i>		July 9, 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:

1. This form should be attached to any documents submitted to the agenda.
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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

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING, AND
PROFESSIONAL COUNSELING, AND : SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 19-137)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 1.05 (3), (5), and (7), 1.06, 1.07, and 5.01 (2), (3), (4) and (5); and to amend MPSW 1.05 (6), 3.01 (3), 3.05 (3), 3.07 (4), 3.09 (4), and 3.11; to repeal and recreate MPSW 5.01 (1); and to create MPSW 5.01 (6), (7), and (8) relating to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 457.03 (1m) and (3), and 457.08 (1) (c), (2) (c), (3) (d), and (4) (d), Stats.

2017 Wisconsin Act 357 amended s. 457, Stats. to clarify that the MPSW board has the authority to require more than one exam of applicants.

Statutory authority: Sections 15.08 (5) (b), and 457.03 (1m) and (3), Stats.

Explanation of agency authority:

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 (1m) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, and consistent with s. 457.16, promulgate rules establishing examination requirements for certification and licensure under this chapter.

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.

Related statute or rule: None.

Plain language analysis:

The rule project clarifies that there are two separate examinations required for licensure as a social worker, one which tests whether or not the applicant is competent in their area of practice, and another which tests the applicant's knowledge of Wisconsin statutes and rules related to their practice area. Currently, the rules refer to the examinations as two parts of the same examination, when they are actually two separate examinations.

The rules currently exempt an applicant from taking the Wisconsin statutes and rules examination if they have passed the examination as part of an application for another social worker credential within the last five years. The rule project removes the five-year requirement.

The rule project also repeals obsolete provisions relating to examination review and claims of examination error, as well as a provision allowing the Board to deny the release of grades or issuance of a credential if the board determines that the applicant violated rules of conduct or otherwise acted dishonestly.

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: N/A

Comparison with rules in adjacent states:

Illinois:

Illinois requires applicants for licensure as a marriage and family therapist to pass the Association of Marital & Family Therapy Regulatory Boards (AMFTRB) national examination (Ill. Admin. Code s. 1283.40). Social work applicants are required to pass the Association of Social Work Boards (ASWB) master's examination for a licensed social workers, and the clinical examination for clinical social workers. (Ill. Admin. Code s. 1470.70). For licensure as a professional counselor, an applicant may pass either the National Counselor Examination (NCE) or the Certified Rehabilitation Counselor Examination (CRCC) (Ill. Admin. Code s. 1375.60). Licensure as a clinical professional counselor requires passage of the NCE in addition to the National Clinical Mental Health Counseling Examination (NCMHCE) (Ill. Admin. Code s. 1375.150 (a)).

There is not a state statute specific examination. Nor do the social work, marriage and family therapy, nor professional counselor rules contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Iowa: Iowa requires an applicant for licensure as a marital and family therapist to pass the AMFTRB examination in marital and family therapy (IAC 31.3 (1) (a)). Applicants for licensure as mental health counselor are required to pass either the NCE or the NCMHCE) (IAC 31.3 (1) (b)). Applicants for a social work license must pass the ASWB examination at the level commensurate with their credential (IAC 280.4 (1)). For example, a bachelor level social worker must pass the basic level examination, a master level social worker must pass the intermediate level examination, and an independent level social worker must pass the clinical level examination (Id.).

There is not a state statute specific examination. Nor do the social work, marriage and family therapy, nor professional counselor rules contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Michigan: Applicants for licensure as a marriage and family therapist must pass the AMFTRB marital and family therapy examination (R. 338.7205 (d)). Bachelor's level social workers must pass the ASWB bachelor's examination (R. 338.2941 (1) (c)), master's level social workers must pass either the ASWB advanced generalist examination or clinical examination (R. 338.2951 (1) (b) and 338.2953 (b)). Licensure as a professional counselor requires passage of either the NCE or CRCC examination (R. 338.1752 (3) (b)).

There is not a state statute specific examination. Nor do the social work, marriage and family therapy, nor professional counselor rules contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Minnesota: Licensure as a marriage and family therapist in Minnesota requires passage of both the AMFTRB marital and family therapy examination as well as a state oral examination testing knowledge of state laws, ethics, and professional responsibilities (Minn. Admin. Code 5300.0130 (1) (F)). Licensure as a professional counselor is set by state statute, and requires passage of the NCE or an equivalent national examination as determined by the board, and ethical, oral, and situational examinations if prescribed by the board (Minn. Stats. 148B.53 (1) (a) 5.). It does not appear that the board has approved additional examinations or prescribed additional testing by rule.

Licensure as a licensed social worker requires passage of the ASWB bachelor's examination (Minn. Stats. 148E.055 (2) (a) 2.), passage of the master's examination

administered by the ASWB for licensure as a licensed graduate social worker (Minn. Stats. 148E.055 (3) (a) 2.), passage of the advanced generalist ASWB examination for licensure as an independent social worker (Minn. Stats. 148E.055 (4) (a) 3.), and passage of the ASWB clinical examination for licensure as a clinical social worker (Minn. Stats. 148E.055 (5) (a) 4.).

There is not a state statute specific examination for professional counselors and social workers. Neither the social work, marriage and family therapy, nor professional counselor rules nor statutes contain procedures for the review of examination or claims of examination error, nor a provision relating to the denial of the release of grades or issuance of a credential if the board determines that the applicant violated the rules of conduct or otherwise acted dishonestly.

Summary of factual data and analytical methodologies:

The Board reviewed its rules with the purpose of updating its processes and procedures. This rule removes obsolete provisions and clarifies and streamlines examination provisions which impact all the professions credentialed by the Board.

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

The rule was posted on the department’s website for 14 days to solicit input on possible economic impact. No comments 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:

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.

TEXT OF RULE

SECTION 1. MPSW 1.05 (3) and (5) are repealed.

SECTION 2. MPSW 1.05 (6) is amended to read:

MPSW 1.05 (6) ~~Applicants shall pass each part of the examination. An applicant who fails either part I or part II of the an 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~~ testing entry level competency.

SECTION 3. MPSW 1.05 (7), 1.06 and 1.07 are repealed.

SECTION 4. MPSW 3.01 (3) is amended to read:

MPSW 3.01 (3) Verification of successful completion of the ~~examination~~ required examinations.

SECTION 5. MPSW 3.05 (3) is amended to read:

MPSW 3.05 (3) Verification of successful completion of the ~~examination~~ required examinations.

SECTION 6. MPSW 3.07 (4) is amended to read:

MPSW 3.07 (4) Verification of successful completion of the ~~examination approved by the section~~ required examinations, or verification that the applicant has obtained certification of the Academy of Certified Social Workers (ACSW) of the National Association of Social Workers.

SECTION 7. MPSW 3.09 (4) is amended to read:

MPSW 3.09 (4) Verification of successful completion of the ~~examination approved by the section~~ required examinations, or verification that the applicant is a board certified diplomat (BCD) of the American Board of Examiners in clinical social work

SECTION 8. MPSW 3.11 is amended to read:

MPSW 3.11 (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 qualifications for the social worker certificate except for passing the required ~~examination~~ examinations.

(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~~ examinations.

(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~~ examinations.

(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~~ examinations.

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

SECTION 9. MPSW 5.01 (1) is repealed and recreated to read:

MPSW 5.01 Examination. (1) The social worker, advanced practice social worker, independent social worker, and clinical social worker examination process consists of 2 examinations. One examination tests entry level competency in the practice area for which the credential is sought. The other examination tests knowledge of the provisions of the Wisconsin Statutes and Administrative Code that pertain to the relevant practice area. Applicants shall pass each examination.

SECTION 10. MPSW 5.01 (2), (3), (4) and (5) are repealed.

SECTION 11. MPSW 5.01 (6), (7), and (8) are created to read:

MPSW 5.01 (6) Both of the required examinations for certification as a social worker, or advanced practice social worker, may be taken prior to the completion of the required degree.

(7) Both of the required examinations for certification as an independent social worker, and for licensure as a clinical social worker, may be taken prior to completion of the required period of supervised practice.

(8) 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 the examination testing provisions of the Wisconsin Statutes and Administrative Code that pertain to the profession if the applicant took and passed the state statute and administrative code examination in the process of applying for and receiving another social worker credential from the section.

SECTION 12. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chair

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

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING, AND
PROFESSIONAL COUNSELING, AND : SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 19-138)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to amend MPSW 3.09 (3) relating to the practice requirement for licensure as a clinical social worker.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 457.08 (4) (c) and (5), Stats.

2017 Wisconsin Act 356 amended s. 457, Stats. to clarify that the MPSW board has the authority to require up to 600 of the 1,000 face-to-face client contact hours include DSM diagnosis and treatment.

Statutory authority: Sections 15.08 (5) (b), 457.03 (1) and (3), and 457.08 (5), Stats.

Explanation of agency authority:

“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.” [s. 15.08 (5) (b), Stats.]

“Upon the advice of the social worker section...promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker...under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.” [s. 457.03 (1), Stats.]

“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.” [s. 457.03 (3), Stats.]

“In its discretion, the examining board may establish a number of hours required for the diagnosis and treatment of individuals based on the applicable edition of the Diagnostic and Statistical Manual of Mental Disorders or its equivalent for purposes of sub. (4) (c). The number of hours required under this subsection may not exceed 600.” [s. 457.08 (5), Stats.]

Related statute or rule: None.

Plain language analysis:

This rule removes the requirement that an applicant for licensure as a clinical social worker must complete the required 3,000 hours of supervised practice in no less than 2 years. Further, the rule establishes 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, at 600 hours.

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

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

The board held a preliminary hearing on statement of scope at its March 18, 2019 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois:

Applicants for licensure as a clinical social worker must complete 3,000 hours of satisfactory, supervised professional experience if they hold a master’s degree, and 2,000 hours of satisfactory, supervised professional experience if they hold a doctorate degree. Illinois does not specify that a portion of the required hours involve face-to-face client contact or DSM diagnosis and treatment of individuals. (Ill. Admin Code s. 1470.20)

Iowa:

Applicants for licensure as a licensed independent social worker, the Iowa equivalent to a clinical social worker, must complete at least 4,000 hours of supervised social work practice, which shall include psychosocial assessments, including evaluation of

symptoms and behaviors and the effects of the environment on behavior, as well as diagnostic practice and treatment using the current edition of the DSM. The rules do not specify how many hours must involve diagnostic practice and treatment. (Iowa Admin Code s. 645-280.6(154C))

Michigan:

Applicants for licensure as a clinical social worker must complete at least 4,000 hours of post-degree social work experience accrued over not less than 2 years. Qualifying experience must include one or more of the following activities: assessment, treatment, and intervention methods that utilize a specialized and formal interaction between a social worker and an individual, a couple, a family, or a group in which a professional relationship is established; advocating for care; protecting the vulnerable; providing forensic practice functions; increasing social well-being; providing education, and resources; providing psychotherapy; providing case management for complex and high-risk cases; serving on community committees; and, providing clinical supervision or direction of clinical programs. The rules do not specify how many hours must involve diagnostic practice and treatment. (Mich. Admin Code R338.2953)

Minnesota:

Applicants for licensure as a licensed independent clinical social worker must have accrued at least 4,000 hours of postgraduate clinical practice, including at least 1,800 hours of direct clinical client contact. There are no specific requirements as to how many hours must involve diagnostic practice and treatment. (Minn. Stats. 148E.115)

Summary of factual data and analytical methodologies:

In setting the required hours of DSM diagnosis and treatment at 600 hours and removing the requirement that the 3,000 supervised training hours be completed in no less than two years, the Board balanced the need for portability of the clinical social work credential across state lines, along with the need to ensure clinical social workers are competent to treat Wisconsin clients.

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

The rule was posted for 14 days on the Department’s website to solicit comments on potential economic impact. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are 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:

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.

TEXT OF RULE

SECTION 1. MPSW 3.09 (3) is amended to read:

MPSW 3.09 (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~~. At least 600 hours of the required 1,000 hours of face-to-face client contact must involve DSM diagnosis and treatment of individuals. All hours must be accumulated 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.

SECTION 2. Initial Applicability. This rule first applies to license applications that are submitted three months after the effective date of this rule.

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

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chair

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 repeal and recreate MPSW 11.01 (2) (b); and to amend MPSW 11.01 (2) (c); relating to .

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 457.03 (1), Stats.

Statutory authority:

Sections 15.08 (5) (b) and 457.03 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. states that “[e]ach 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 (1), Stats. states that the board shall “[u]pon 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.”

Related statute or rule:

Section MPSW 14.

Plain language analysis:

This rule project removes automatic acceptance of all CACREP accredited programs as equivalent to a master's or doctorate in professional counseling for the purposes of meeting the education requirement for licensure as a professional counselor. Instead, the board will provide automatic acceptance for certain enumerated CACREP accredited specialty programs. These include CACREP accredited programs in addiction counseling, clinical mental health counseling, clinical rehabilitation counseling, marriage, couple, and family Counseling, and doctoral programs in counselor education and supervision.

Applicants with degrees that are not CACREP accredited, or CACREP accredited but not in one of the enumerated specialties, must show that their degree program meets the requirements for equivalency within MPSW 14

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

None.

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

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board held a preliminary hearing on the statement of scope for this rule at its January 28, 2020 meeting. The board received written comments from the following people:

Dr. Lisa M. Edwards, Dr. Alan Burkard, Dr. Weneaka D. Jones, Dr. Sarah Knox, and Dr. Lynne Knobloch-Fedders, all with the Department of Counselor Education and Counseling Psychology at Marquette University.

Dr. Jennifer M. Cook.

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board summarizes the written comments received at the hearing as follows:

Dr. Lisa M. Edwards, Dr. Alan Burkard, Dr. Weneaka D. Jones, Dr. Sarah Knox, and Dr. Lynne Knobloch-Fedders, all with the Department of Counselor Education and Counseling Psychology at Marquette University, as well as Dr. Jennifer M. Cook all commented on the following:

- They are opposed to entirely removing automatic acceptance for CACREP approved programs on the following grounds:
 - CACREP approved courses are rigorously and continuously assessed to ensure they are creating nationally recognized standards that adequately prepare professional counseling professionals in a way that will enable them to provide counseling services in a way that is consistent with optimal human development in a diverse and dynamic society.
 - Removing automatic acceptance entirely will create a burden for the board in that all applicant's course history will need to be reviewed for compliance with the educational equivalency requirements in MPSW 14, and in a related vein, will increase wait times for licensure.
 - CACREP approved courses generally do meet most of the requirements for educational equivalency in MPSW 14.
- They suggest allowing applicants who have graduated from a CACREP program only be required to demonstrate proof that they have completed the additional educational requirements in MPSW 14 that go above and beyond what is required for CACREP accreditation.
- Dr. Cook's comments point out that CACREP and CORE have merged, and the body is now referred to only as CACREP.

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board explains modifications to its scope statement proposal prompted by public comments as follows:

The board did not opt to amend its scope statement in light of the public comments received, but did take the comments into consideration when drafting the rule.

Comparison with rules in adjacent states:

Illinois:

For the purposes of licensure as a clinical professional counselor, Illinois law recognizes any CACREP or CORE approved program or any doctorate in psychology approved by the American Psychological Association and the Council for the National Registry of Health Service Providers as approved programs (Ill. Admin Code § 1375.145 (c)).

Applicants who do not have a degree from a program approved by one of the above entities must demonstrate that their educational background meets the following requirements (Ill. Admin Code § 1375.145 (a)):

- a) The educational requirements are as follows:
 - 1) Master's degrees shall be from a college, university or school that is a regionally accredited institution of higher education and recognized by the U.S. Department of Education;

- 2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors;
- 3) The program is an organizational entity within the institution;
- 4) The program has an integrated, organized sequence of study;
- 5) The program must be at least 2 academic years in length and require an individual to graduate from a program with a minimum of 48 semester hours or 72 quarter hours with a minimum of one course ("course" is defined as 3 semester hours or equivalent) in each of the areas listed in this subsection (a)(5). The 13 areas are the same as those listed for the licensed professional counselor. "A minimum of one course" is defined to mean that the objectives and content of a course need to meet the requirements for one content area and cannot be used to meet the objectives and content requirements of another content area. (See Appendix A (Course Descriptions) for a definition of the subject content for each core area with examples of course titles that relate to each of the core content areas.) Students who started their educational program after January 1, 1999 and graduated before January 1, 2008 who make application for the Licensed Clinical Professional Counselor after January 1, 2008 must meet the hour requirements for each core areas established by their educational program at the time they started their graduate studies. In some cases, this may not be 3 semester hours or equivalent for each core area. All students, however, graduating after January 1, 2008 must meet the "3 semester hour or equivalent" requirement.
 - A) Human Growth and Development
 - B) Counseling Theory
 - C) Counseling Techniques
 - D) Group Dynamics, Processing and Counseling
 - E) Appraisal of Individuals
 - F) Research and Evaluation
 - G) Professional, Legal and Ethical Responsibilities Relating to Professional Counseling, Including Illinois Law

- H) Social and Cultural Foundations
 - I) Lifestyle and Career Development
 - J) Practicum/Internship
 - K) Psychopathology and Maladaptive Behavior
 - L) Substance Abuse
 - M) Family Dynamics;
- 6) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their areas of teaching from professional colleges and institutions;
 - 7) The program has an identifiable body of students who are matriculated in that program for a degree;
 - 8) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.

Iowa:

Licensure as a mental health counselor in Iowa requires a degree from a CACREP accredited 60 credit (45 credits if the student graduated prior to June of 2012) master's or doctoral program with an emphasis in mental health counseling. Alternatively, an applicant may meet the educational requirement for licensure if their master's or doctorate program transcript demonstrates educational equivalency to CACREP accreditation in mental health counseling. The equivalency determination is made by the Center for Credentialing and Education (CCE) at the applicant's expense based on submission and review of the applicant's transcript (IA Admin Code § 645.31.6). The full list of considerations made by the CCE can be found in IA Admin Code § 645.31.6, and very closely mirror the requirements for CACREP accreditation.

Michigan:

Applicants for a counselor license must have degree from either a master's or doctorate program in counseling or student personnel matters that is approved by the board (Mich. Admin Code § R 338.1752 (2)). Programs that are accredited by CACREP are

automatically considered to be acceptable to the board. If the graduate program is not CACREP accredited, the applicant's degree program must consist of a 600 hour supervised clinical internship and at least 48 semester or 75 quarter credit hours including all of the following counseling related topics:

1. Career development.
2. Consulting.
3. Counseling techniques.
4. Counseling theories.
5. Counseling philosophy.
6. Group techniques.
7. Professional ethics.
8. Research methodology.
9. Multicultural counseling.
10. Testing procedures and assessment.
11. Practicum.

(Mich. Admin. Code § R 338.1752a).

Minnesota:

Minnesota law requires applicants to have either a master's or doctorate in counseling or a related field, including at least 700 hours of supervised counseling experience. The course shall involve a minimum of 48 semester or 75 quarter credit hours and include all of the following topics:

- (1) The helping relationship, including counseling theory and practice;
- (2) Human growth and development;
- (3) Lifestyle and career development;
- (4) Group dynamics, processes, counseling, and consulting;
- (5) Assessment and appraisal;
- (6) Social and cultural foundations, including multicultural issues;
- (7) Principles of etiology, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) Family counseling and therapy;
- (9) Research and evaluation; and
- (10) Professional counseling orientation and ethics.

(Minn. Stats. § 148B.53).

Summary of factual data and analytical methodologies:

The board is concerned that some academic programs accredited by CACREP do not meet the requirements of the board for equivalency to a master’s in professional counseling that are laid out in MPSW 14. The board would instead like to take a nuanced approach to the matter, allowing automatic approval of some CACREP accredited programs, will requiring graduates of other CACREP accredited programs that are not enumerated by rule to show that they have taken courses that meet the board’s additional educational requirements.

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

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

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

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.Hereh@wisconsin.gov, or by calling (608) 267-2435.

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 TBD to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 11.01 (2) (b) is repealed and recreated to read:

MPSW 11.01 (2) (b) A degree in one of the following specialty areas from a program which was accredited by the Commission for Accreditation of Counseling and Related Educational Programs (CACREP) at the time the applicant graduated:

1. Addiction Counseling;
2. Clinical Mental Health Counseling;
3. Clinical Rehabilitation Counseling;
4. Marriage, Couple, and Family Counseling;
5. Doctoral Program in Counselor Education and Supervision.

SECTION 2. MPSW 11.01 (2) (c) is amended to read:

MPSW 11.01 (2) (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, including CACREP accredited degree programs that are not listed in s. 11.01 (2) (b), but meet the requirements of MPSW 14.01 or 14.02.

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

(END OF TEXT OF RULE)

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 in one of the following specialty areas from a program which was accredited by the Commission for Accreditation of Counseling and Related Educational Programs (CACREP) at the time the applicant graduated:

1. Addiction Counseling;
2. Clinical Mental Health Counseling;
3. Clinical Rehabilitation Counseling;
4. Marriage, Couple, and Family Counseling;
5. Doctoral Program in Counselor Education and Supervision.

(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, including CACREP accredited degree programs that are not listed in s. 11.01 (2) (b), but meet the requirements of 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.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

Register January 2018 No. 745

(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.

STATEMENT OF SCOPE

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

Rule No.: MPSW 3, 11, and 17

Relating to: Application requirements for credentials.

Rule Type: Permanent

1. Finding/nature of emergency:

N/A.

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

The objective of the proposed rule will be to revise the sections of the MPSW code in order to implement 2017 Wisconsin Act 278 and 2019 Wisconsin Act 143.

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:

This rule project will primarily update MPSW 3, 11, and 17 to bring the rules into compliance with the statutory changes enacted by 2019 Act 143. 2019 Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential in Wisconsin if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction. The credential can be renewed indefinitely.

The Board intends also to revise MPSW 17 in order to bring the chapter into compliance with 2017 Wisconsin Act 278 as it relates to discrimination in licensing based upon an arrest or conviction record. This chapter was inadvertently not revised when board otherwise updated its rules for conformity with Act 278 through CR 19-116.

4. Detailed explanation of statutory authority for the rule:

15.08 (5) (b) States that 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.

Section 440.09 (5), Stats. allows a credentialing board to promulgate rules necessary to implement the statutory changes enacted by 2019 Wisconsin Act 143.

2017 Wisconsin Act 278 § 23m states that a licensing agency may promulgate rules necessary to implement Act 278.

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

Approximately 60 hours.

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

Service members and former service members discharged under conditions other than dishonorable within the last four years seeking a credential issued by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, and their spouses.

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:

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jon Derenne, Administrative Rules Coordinator, (608) 266-0955.

Approved for Publication:

Chairperson

Date Submitted



Ohio Counselor, Social Worker & Marriage and Family Therapist Board

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Columbus, Ohio 43215-6171

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<http://cswmft.ohio.gov> & cswmft.info@cswb.ohio.gov

Sexual Orientation Change Efforts and Gender Identity Guidance

The practice of Counseling, Social Work and Marriage and Family Therapy does not include sexual orientation change efforts (SOCE, also sometimes referred to as “conversion therapy”) or efforts to change gender identity. Attempts to “change” sexual orientation or gender identity can be harmful, particularly when the client is a minor. However, supporting clients in exploring their questions and concerns about their sexual orientation or gender identity is appropriate assistance for a Counselor, Social Worker, or Marriage and Family Therapist to provide to a client. The CSWMFT Board expects its licensees to practice their professions by relying upon the best evidence-based research available. Licensees should be aware that the Board can discipline licensees (up to and including license revocation) when they use a practice or intervention that results in harm to a client.

Licensees seeking additional information regarding the issues covered in this statement may wish to review the statements and guidance from the following behavioral and medical healthcare associations: American Association of Marriage and Family Therapy, the National Association of Social Workers, the American Counseling Association, the American Psychological Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, and the American Medical Association.