



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

**Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
April 23, 2025**

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

11:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of January 22, 2025 (3-5)**
- C. Reminders: Scheduling Concerns
- D. Introductions, Announcements, and Recognitions
- E. 11:30 A.M. PUBLIC HEARING – Clearinghouse Rule 25-003 MPSW 3, relating to supervised practice (6-21)**
 - 1. Review Public Hearing comments and Clearinghouse Report
- F. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff and Board Updates
 - 2. Board Member – Term Expiration Date
 - a. Bowers, Jessica M. – 7/1/2027
 - b. Erickson, Terrance C. – 7/1/2028
 - c. Glavan, Ann E. – 7/1/2027
 - d. Hansen, Shawna R. – 7/1/2026
 - e. Lee, Joshua R. – 7/1/2028
 - f. Lee Yang, Sheng B. – 7/1/2027
 - g. Luster, Marietta S. – 7/1/2025
 - h. Raef, Nick – 7/1/2025
 - i. Simon, Andrea L. – 7/1/2027
 - j. Strait, Tim – 7/1/2025
 - k. Stumbras, Patrick J. – 7/1/2025
 - l. Webster, Christopher J. – 7/1/2027
- G. Legislative and Policy Matters – Discussion and Consideration (22)**
 - 1. 2025 SB 74 and 2025 AB 80

H. Credentialing Matters – Discussion and Consideration (23)

1. Biennial Renewal Survey

I. Administrative Rule Matters – Discussion and Consideration (24-71)

1. Drafting: MPSW 4, 12, 16, and 20, relating to supervised requirements **(25-39)**
2. Preliminary Rule Draft: MPSW 1 to 20, relating to Counseling Compact **(40-69)**
3. Pending or Possible Rulemaking Projects **(70-71)**

J. MPSW Examining Board Goals – Discussion and Consideration

K. Section Reports – Discussion and Consideration

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

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

M. Public Comments

ADJOURNMENT

NEXT MEETING: JULY 16, 2025

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
MEETING MINUTES
JANUARY 22, 2025**

PRESENT: Jessica Bowers, Terrance Erickson, Ann Glavan, Shawna Hansen, Joshua Lee, Marietta Luster, Nick Raef (*arrived at 1:00 p.m.*), Andrea Simon, Tim Strait (*excused at 1:00 p.m.*), Patrick Stumbras, Christopher Webster

ABSENT: Sheng Lee Yang

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other DSPS Staff

CALL TO ORDER

Patrick Stumbras, Chairperson, called the meeting to order at 11:30 a.m. A quorum was confirmed with ten (10) members present.

ADOPTION OF AGENDA

MOTION: Terrance Erickson moved, seconded by Tim Strait, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 15, 2024

MOTION: Andrea Simon moved, seconded by Terrance Erickson, to approve the Minutes of October 15, 2024, as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS, RECOGNITION

Introduction & Welcome – DSPS Secretary Hereth

MOTION: Jessica Bowers moved, seconded by Tim Strait, to acknowledge and thank Secretary Hereth, for their appearance to the Board. Motion carried unanimously.

Recognition: Love Dialogos, LMFT (Resigned: 12/18/2024)

MOTION: Tim Strait moved, seconded by Christopher Webster, to recognize and thank Love Dialogos for their years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

PUBLIC HEARING

Clearinghouse Rule 24-097 MPSW 19, Relating to continuing education

MOTION: Terrance Erickson moved, seconded by Tim Strait, to accept all Clearinghouse comments for Clearinghouse Rule 24-097 (MPSW 19), relating to continuing education. Motion carried unanimously.

AND,

MOTION: Christopher Webster moved, seconded by Tim Strait, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Legislative Report and Draft for Clearinghouse Rule 24-097 (MPSW 19), relating to continuing education, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Andrea Simon nominated Tim Strait for the Office of Chairperson. Tim Strait accepted the nomination.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

Tim Strait was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Patrick Strumbras nominated Marietta Luster for the Office of Vice Chairperson. Marietta Luster accepted the nomination.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

Marietta Luster was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Patrick Stumbras nominated Christopher Webster for the Office of Secretary. Christopher Webster accepted the nomination.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

Christopher Webster was elected as Secretary by unanimous voice vote.

2025 ELECTION RESULTS	
Chairperson	Tim Strait
Vice Chairperson	Marietta Luster
Secretary	Christopher Webster

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Substance Abuse Disorder Specialty Liaison	Joshua Lee <i>Alternate: Andrea Simon</i>

Delegation of Authorities

Delegation to Handle Administrative Rule Matters

MOTION: Terrance Erickson moved, seconded by Jessica Bowers, to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

Review and Approval of 2024 Delegations including new modifications

MOTION: Terrance Erickson moved, seconded by Marietta Luster, to reaffirm all delegation motions made in 2024, as reflected in the January 22, 2025, agenda materials, which were not otherwise modified or amended during the January 22, 2025, meeting. Motion carried unanimously.

Nick Raef arrived at 1:00 p.m.
Tim Strait excused at 1:00 p.m.

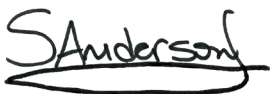
ADJOURNMENT

MOTION: Terrance Erickson moved, seconded by Jessica Bowers, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:07 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 04/11/2025 <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 23, 2025	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 11:30 A.M. Public Hearing – Clearinghouse Rule 25-003 MPSW 3, relating to supervised practice. 1. Review Public Hearing comments and Clearinghouse Report.	
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: N/A
10) Describe the issue and action that should be addressed: The Board will hold a Public Hearing on this rule as required by the rulemaking process.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  </div> <div style="text-align: right;"> 04/11/2025 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			
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.			

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

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

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board **to amend** MPSW 3.07 (3) and 3.09 (3m) relating to supervised practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 457, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), 440.17, and 457.03 (2).

Explanation of agency authority:

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

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

Section 457.03 (3), Stats., states that “[u]pon the advice of the social worker section, promulgate rules 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...”

Related statute or rule:

None.

Plain language analysis:

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board completed a comprehensive review of chapter MPSW 3 to update the requirements regarding supervised practice. The Board revised the chapter to provide clarity, remove obsolete provisions and ensure the chapter is current with professional standards, statutory provisions, and requirements for licensure.

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 scope statement for this rule at its January 29, 2024 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 title 68 Ch. VII Subch. b Part 1470 Section 1470.20)

Illinois does not have an equivalent to the Independent Social Worker license in Wisconsin.

Iowa:

Applicants for licensure as a licensed independent social worker, the Iowa equivalent to a clinical social worker, must complete the clinical supervised experience in a minimum of two years and the experience shall consist of at least 3,000 hours of supervised social work practice, which includes at least 1,500 hours of direct client contact and 110 hours of direct supervision. The direct supervision hours shall include at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. The content of the clinical supervised experience shall include psychosocial assessments 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. An applicant has accrued some or all supervised

experience in another state without obtaining licensure in that state shall contact the board to determine if some of that experience can be used to obtain licensure in Iowa [481 IAC 895.6 (154C)]

Iowa does not have an equivalent to the Independent Social Worker license in Wisconsin.

Michigan:

Applicants for a master's social worker license with a clinical designation 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. [MI Admin Code R338.2953]

Applicants for a master's social worker license with a macro designation must complete at least 4,000 hours of post-degree social work experience accrued over not less than 2 years. Qualifying experience must be completed in either or both of the following areas:

(A) Administration, management, and supervision of human service organizations, including the translating of laws and administrative rulings into organizational policy and procedures; collaboration, coordination, mediation, and consultation between and among organizations, disciplines and communities; community organizing and development; research and evaluation; the seeking of social justice through the legislative process or the social action and advocacy processes; the improvement of social conditions through social planning and policy formulations; and, social work education and training.

(B) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.

[MI Admin Code R338.2951]

Minnesota:

Applicants for licensure as a licensed independent clinical social worker must have accrued at least 200 hours of supervision in no less than 4,000 hours and not more than 8,000 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. [MN Stats. 148E.115]

Applicants for licensure as a licensed independent social worker must have obtained at least 100 hours of supervision during the 4,000 hours of postgraduate social work practice.

After obtaining licensure, a licensed independent social worker must only practice clinical social work under the supervision of a licensed independent clinical social worker and cannot engage in clinical social work for more than 8,000 hours, including at least 1,800 hours of direct client contact. [MN Stats. 148E.110]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing chapters MPSW 3 to ensure that the code is compliant with statutory changes and with current standards of practice. No additional factual data or analytical methodologies were used to develop the proposed rules.

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

The rule draft was posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses. 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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, 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 beginning of the public hearing scheduled for April 23, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.07 (3) is amended to read:

MPSW 3.07 (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has ~~obtained at least 3,000 hours of social work practice in no less than~~ practiced for at least 2 years of full-time supervised social work practice under the supervision of a supervisor approved by the social worker section. Pre-certification supervised practice shall meet the criteria under s. MPSW 4.01.

SECTION 2. MPSW 3.09 (3m) is amended to read:

MPSW 3.09 (3m) An applicant who after receiving a master's or doctoral degree in social work and completing any portion of the applicant's 3,000 hours of supervised clinical social work practice outside of Wisconsin ~~in no less than 2 years~~ may be given credit for those hours provided they ~~included at least 1,000 hours of face-to-face client contact, or a proportionate number thereof, and also included DSM diagnosis and treatment of individuals, completed under the supervision of a supervisor acceptable to the social worker section~~ meet the requirements of sub (3). All hours must be accumulated under the supervision of a supervisor acceptable to the social worker section.

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)

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date December 27, 2024								
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 3									
4. Subject Supervised Practice									
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 s.20.165(1)(g)								
7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<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 type="checkbox"/> Could Absorb Within Agency's Budget	
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<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget							
8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input checked="" type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table>		<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors	<input checked="" type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors								
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<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 Marriage and Family Therapy, Professional Counseling and Social Work Examining Board completed a comprehensive review of chapter MPSW 3 to update the requirements regarding supervised practice. The Board revised the chapter to provide clarity, remove obsolete provisions and ensure the chapter is current with professional standards, statutory provisions, and requirements for licensure.									
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. The rule draft was posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses. No comments were received.									
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) DSPS estimates a total of \$5,400.00 in one-time costs for implementing this rule. The one-time staff costs support 0.1 limited term employee to undertake tasks such as updating forms and website, and training on new requirements. The one-time costs cannot be absorbed in the currently appropriated budget.									
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing the rule are to update the chapter to eliminate inconsistencies, obsolete provisions, and to be in compliance with the Statutes. The alternative to promulgating rules would be to not update the rules. This would leave the rules inconsistent with statutory provisions, which could create confusion with stakeholders.									
16. Long Range Implications of Implementing the Rule The long range implications of implementing this rule is clear requirements for supervision of social workers in Wisconsin.									
17. Compare With Approaches Being Used by Federal Government									

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

N/A

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

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ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

[MI Admin Code R338.2951]

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19. Contact Name	20. Contact Phone Number
Sofia Anderson	608-261-4463

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

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

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
Legislative Council Director

CLEARINGHOUSE RULE 25-003

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In the statutes interpreted section of the proposed rule, consider including a more specific citation, such as “Section 457.08, Stats.”. Otherwise, revise “Section” to be “Chapter”.

b. In the statutory authority section of the proposed rule, consider whether the cite to s. 440.17, Stats., is needed. It does not appear that the proposed rule is related to telehealth. Also, “457.03 (2)” should be “457.03 (3), Stats.”.

c. In the rule summary’s plain language analysis for the proposed rule, consider providing a description of the changes made to the requirements regarding supervised practice. A plain language analysis should contain sufficient detail to enable a reader to understand the content of the proposed rule in relation to current law. [s. 1.01 (2) (b), Manual.]

d. Consider whether an initial applicability clause should be included to account for individuals who are obtaining supervised social work practice experience when the rule takes effect.

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

a. In ss. MPSW 3.07 (3) and 3.09 (3m), consider whether “after receiving a master’s or doctoral degree” is necessary because being certified as an advanced practice social worker includes, as a requirement, graduating with a master’s or doctoral degree in social work.

b. In s. MPSW 3.07 (3), consider whether to define “full-time” or “full-time supervised social work practice”.

c. Consider revising s. MPSW 3.09 (3m) to delete “who” and add a comma after “applicant” and “Wisconsin”. Also, add a period after “sub”.

d. In s. MPSW 3.09 (3m), consider revising the last inserted portion to be “meet the requirements of sub. (3), except that all hours . . .”. As the proposed rule is currently written, the hours must be accumulated under the supervision of a supervisor *approved* (because of the reference to sub. (3)) and *acceptable* to the social worker section.

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

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

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board **to amend** MPSW 3.07 (3) and 3.09 (3m) relating to supervised practice.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 457.08, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 457.03 (3), Stats.

Explanation of agency authority:

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

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

Section 457.03 (3), Stats., states that “[u]pon the advice of the social worker section, promulgate rules 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...”

Related statute or rule:

None.

Commented [SA1]: Clearinghouse comment #2.a.

a. In the statutes interpreted section of the proposed rule, consider including a more specific citation, such as “Section 457.08, Stats.”. Otherwise, revise “Section” to be “Chapter”.

Commented [SA2]: Clearinghouse comment #2.b.

b. In the statutory authority section of the proposed rule, consider whether the cite to s. 440.17, Stats., is needed. It does not appear that the proposed rule is related to telehealth. Also, “457.03 (2)” should be “457.03 (3), Stats.”.

Plain language analysis:

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board completed a comprehensive review of chapter MPSW 3 to update the requirements regarding supervised practice and made the following changes:

- Clarified subsection MPSW 3.07 (3) to comply with s. 457.08, Stats., relating to requirements for licensure as an independent social worker.
- Clarified subsection MPSW 3.09 (3m) relating to applicants for licensure as a clinical worker who have accrued some of their supervised hours out of state. The clarification makes the provision more in line with the provision for supervised hours accrued in the state.

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 scope statement for this rule at its January 29, 2024 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 title 68 Ch. VII Subch. b Part 1470 Section 1470.20)

Illinois does not have an equivalent to the Independent Social Worker license in Wisconsin.

Iowa:

Applicants for licensure as a licensed independent social worker, the Iowa equivalent to a clinical social worker, must complete the clinical supervised experience in a minimum of two years and the experience shall consist of at least 3,000 hours of supervised social work practice, which includes at least 1,500 hours of direct client contact and 110 hours of direct

Commented [SA3]: Clearinghouse comment #2.c.

c. In the rule summary's plain language analysis for the proposed rule, consider providing a description of the changes made to the requirements regarding supervised practice. A plain language analysis should contain sufficient detail to enable a reader to understand the content of the proposed rule in relation to current law. [s. 1.01 (2) (b), Manual.]

supervision. The direct supervision hours shall include at least 24 hours of live or recorded direct observation of client interaction. A maximum of 50 hours of direct supervision may be obtained through group supervision. The content of the clinical supervised experience shall include psychosocial assessments 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. An applicant has accrued some or all supervised experience in another state without obtaining licensure in that state shall contact the board to determine if some of that experience can be used to obtain licensure in Iowa [481 IAC 895.6 (154C)]

Iowa does not have an equivalent to the Independent Social Worker license in Wisconsin.

Michigan:

Applicants for a master's social worker license with a clinical designation 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. [MI Admin Code R338.2953]

Applicants for a master's social worker license with a macro designation must complete at least 4,000 hours of post-degree social work experience accrued over not less than 2 years. Qualifying experience must be completed in either or both of the following areas:

(A) Administration, management, and supervision of human service organizations, including the translating of laws and administrative rulings into organizational policy and procedures; collaboration, coordination, mediation, and consultation between and among organizations, disciplines and communities; community organizing and development; research and evaluation; the seeking of social justice through the legislative process or the social action and advocacy processes; the improvement of social conditions through social planning and policy formulations; and, social work education and training.

(B) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions. [MI Admin Code R338.2951]

Minnesota:

Applicants for licensure as a licensed independent clinical social worker must have accrued at least 200 hours of supervision in no less than 4,000 hours and not more than 8,000 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. [MN Stats. 148E.115]

Applicants for licensure as a licensed independent social worker must have obtained at least 100 hours of supervision during the 4,000 hours of postgraduate social work practice. After obtaining licensure, a licensed independent social worker must only practice clinical social work under the supervision of a licensed independent clinical social worker and cannot engage in clinical social work for more than 8,000 hours, including at least 1,800 hours of direct client contact. [MN Stats. 148E.110]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing chapters MPSW 3 to ensure that the code is compliant with statutory changes and with current standards of practice. No additional factual data or analytical methodologies were used to develop the proposed rules.

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

The rule draft was posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses. 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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, 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

beginning of the public hearing scheduled for April 23, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 3.07 (3) is amended to read:

MPSW 3.07 (3) An affidavit that the applicant, after receiving a master's or doctoral degree and after receiving certification as an advanced practice social worker, has obtained at least 3,000 hours of social work practice in no less than practiced for at least 2 years of full-time supervised social work practice under the supervision of a supervisor approved by the social worker section. Pre-certification supervised practice shall meet the criteria under s. MPSW 4.01.

SECTION 2. MPSW 3.09 (3m) is amended to read:

MPSW 3.09 (3m) An applicant who, after receiving a master's or doctoral degree in social work and completing any portion of the applicant's 3,000 hours of supervised clinical social work practice outside of Wisconsin, in no less than 2 years may be given credit for those hours provided they included at least 1,000 hours of face to face client contact, or a proportionate number thereof, and also included DSM diagnosis and treatment of individuals, completed under the supervision of a supervisor acceptable to the social worker section if the hours meet the requirements of sub. (3) and all hours were accumulated under the supervision of a supervisor acceptable to the social worker section.

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)

Commented [SA4]: Clearinghouse comment #5.a.

a. In ss. MPSW 3.07 (3) and 3.09 (3m), consider whether "after receiving a master's or doctoral degree" is necessary because being certified as an advanced practice social worker includes, as a requirement, graduating with a master's or doctoral degree in social work.

Commented [SA5R4]: Reject for three reasons:

- 1) The language is parallel to the language in the Statutes.
- 2) Without the statement applicants may think that they can start accruing hours while they are in school.
- 3) It is the existing language in MPSW 3.07 (3) and consistent with MPSW 3.09 (3) and (3m). Changing it might cause confusion.

Commented [SA6]: Clearinghouse comment #5.b.

b. In s. MPSW 3.07 (3), consider whether to define "full-time" or "full-time supervised social work practice".

Commented [SA7R6]: Consult with the Board. Proposed definitions:

"Full-time" means at least 40 hours per week devoted to social work practice.

"Social work practice" consists of the professional application of the social worker values, principles, and techniques to help people obtain tangible services and helping communities or groups provide or improve social and health services. (*Borrowed some language from the NASW website*)

Commented [SA8]: Clearinghouse comment #5.c.

c. Consider revising s. MPSW 3.09 (3m) to delete "who" and add a comma after "applicant" and "Wisconsin". Also, add a period after "sub".

Commented [SA9]: Clearinghouse comment #5.d.

d. In s. MPSW 3.09 (3m), consider revising the last inserted portion to be "meet the requirements of sub. (3), except that all hours . . .". As the proposed rule is currently written, the hours must be accumulated under the supervision of a supervisor *approved* (because of the reference to sub. (3)) and *acceptable* to the social worker section.


Commented [SA10]: Clearinghouse comment #2.d.

d. Consider whether an initial applicability clause should be included to account for individuals who are obtaining supervised social work practice experience when the rule takes effect.

Commented [SA11R10]: Discuss with Board.


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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 4/11/2025 <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: MPSW Examining Board			
4) Meeting Date: 4/23/2025	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration 1) 2025 SB 74 and 2025 AB 80	
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 <Appearance Name(s)> <input type="checkbox"/> No	
9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>			
10) Describe the issue and action that should be addressed: 2025 SB 74 and 2025 AB 80 relating to ratifying social work compact discussion			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> 4/11/2025 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (Only required for post agenda deadline items) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (Indicates approval for post agenda deadline items) Date </div>			
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

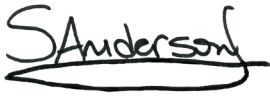
**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 4/11/2025 <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: MPSW Examining Board			
4) Meeting Date: 4/23/2025	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Credentialing Matters – Discussion and Consideration 1) Biennial Renewal Survey	
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 <Appearance Name(s)> <input type="checkbox"/> No		9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>
10) Describe the issue and action that should be addressed: Brad Wojciechowski will give a brief update on the biennial renewal survey that was discussed during the January 22, 2025 meeting.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  Signature of person making this request </div> <div style="text-align: center;"> 4/11/2025 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> Supervisor (Only required for post agenda deadline items) </div> <div style="text-align: center;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="text-align: center;"> Executive Director signature (Indicates approval for post agenda deadline items) </div> <div style="text-align: center;"> Date </div> </div>			
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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 04/11/2025 <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 23, 2025	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Drafting: MPSW 4, 12, 16, and 20, relating to supervised requirements. 2. Preliminary Rule Draft: MPSW 1 to 20, relating to Counseling Compact. 3. Pending or Possible Rulemaking Projects.	
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: N/A
10) Describe the issue and action that should be addressed: Attachments: <ul style="list-style-type: none"> MPSW 4, 12, 16, and 20 redlined chapters. MPSW 1 to 20 redlined chapters. Preliminary Rule Draft: MPSW 1 to 20, relating to Counseling Compact. MPSW Rule Projects chart 			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: center;"> 04/11/2025 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> <hr/> Date </div> </div>			
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.			

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

Chapter MPSW 4

Commented [SA1]: Repeal and recreate

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

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

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

~~(1)~~ Supervision of pre-certification or pre-licensure practice of social work under s. 457.08 (2) (c) and (4) (c), Stats., shall include the direction of social work practice in face-to-face individual or group sessions of at least one hour duration during each week of supervised practice of social work. Such supervision may be exercised by a person other than an employment supervisor. The one hour per week supervision requirement may be averaged out over the course of the period of supervision. The supervisor may exercise discretion as to the frequency, duration, and intensity of the supervision sessions to meet an average of one hour supervised session per week during the supervision period. The person supervising the pre-certification or pre-licensure practice of social work shall have adequate training, knowledge and skill to competently supervise any social work service that a social worker undertakes. Supervision of the professional practice of social work in the applied skills of the profession may be exercised by a person other than an employment supervisor. The supervisor may not permit a supervisee to engage in any social work practice that the supervisor cannot competently supervise. All supervisors shall be legally and ethically responsible for the activities of the social work supervisee. Supervisors shall be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases, and to terminate the supervised relationship if necessary.

~~(2)~~ If supervision is provided in group sessions, the group shall consist of no more than 6 persons receiving supervision for every one person providing supervision, and may not credit any time which is primarily social activity with the group or supervisor as part of a supervision session. A supervision session which is provided by more than one supervisor may not be credited for more than the actual time elapsed during the supervision session, not including social activities.

~~(3)~~ A period of supervised practice of social work shall include, but not be limited to, practice in each of the following activities:

- ~~(a)~~ Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual;
- ~~(b)~~ Developing plans or policies to alleviate those difficulties;
- ~~(c)~~ Intervention, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

~~(4) At the end of the period of supervised practice, the candidate for certification shall have demonstrated to the candidate's supervisor competence in each of the activities listed in sub. (3).~~

~~(5) For applications for licensure as an independent social worker received after November 1, 2002, supervision may be exercised by any of the following:~~

~~(a) A licensed clinical social worker with a master's or doctorate degree in social work.~~

~~(b) A certified independent social worker with a master's or doctorate degree in social work.~~

~~(c) An individual, other than an individual specified in par. (a) or (b) who is approved in advance by the social worker section.~~

~~(6) For applications for licensure as a clinical social worker received after November 1, 2002, supervision may be exercised by any of the following:~~

~~(a) An individual licensed as a clinical social worker who has received a doctorate degree in social work.~~

~~(b) An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full time clinical social work.~~

~~(c) A psychiatrist or a psychologist licensed under ch. 455, Stats.~~

~~(d) An individual licensed as a clinical social worker who has received a master's degree in social work.~~

~~(e) An individual, other than an individual specified in par. (a), (b) or (c), who is approved in advance by the social worker section.~~

MPSW 4.01 Supervised practice requirement.

(1) Supervision of pre-certification or pre-licensure practice of social work under s. 457.08 (3) (c) and (4) (c), Stats., shall include the direction of social work practice in face-to-face individual or groups sessions of at least one hour duration per week of supervised practice of social work. Such supervision may be exercised by a person other than an employment supervisor.

(2) The one hour per week supervision requirement may be averaged out over the course of the period of supervision.

(3) An applicant who has completed any portion of their supervised social work practice in another state shall be given credit for those hours provided the hours meet the requirements of this chapter.

(4) A period of supervised practice of social work shall include, but not be limited to, practice in each of the following activities:

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

- (a) Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual;
- (b) Developing plans or policies to alleviate those difficulties.
- (c) Intervention, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

(5) At the end of the period of supervision, the candidate for certification shall have demonstrated competence in each of the activities listed in sub. (4).

MPSW 4.02 Supervised practice.

(1) SUPERVISOR QUALIFICATIONS. It is the applicant's responsibility to satisfy the social work section that the applicant's supervisor has adequate training, knowledge, and skill to competently supervise any social work service that a social worker undertakes. Supervision of the supervised practice of social work may be exercised by any of the following:

- (a) An individual licensed as a clinical social worker who has received a doctorate degree in social work.
- (b) An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.
- (c) A psychiatrist or a psychologist licensed under ch. 455, Stats.
- (d) An individual licensed as a clinical social worker who has received a master's degree in social work and has held a license as a clinical social worker for 3 years.
- (e) An individual, other than an individual specified in par. (a), (b), (c), or (d), who is approved in advance by the social worker section.

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

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

Commented [SA2]: Discussed with the Board: criteria for supervision education.

Commented [SA3]: Discuss with Board.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

(f) To terminate the supervised relationship.

(3) GROUP SUPERVISION REQUIREMENTS. Supervision in group sessions shall meet all of the following:

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

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

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

Chapter MPSW 12

PROFESSIONAL COUNSELOR SUPERVISED PRACTICE

MPSW 12.01 Supervised practice requirement.

MPSW 12.02 Supervised practice.

MPSW 12.01 Supervised practice requirement.

(1) Except as provided in sub. (3), an applicant for licensure as a professional counselor under s. 457.12, Stats., shall complete a period of supervised practice while holding a valid professional counselor training license before being eligible for licensure. Supervision may be exercised by a person other than an employment supervisor.

(2) A person with a training license must be supervised.

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

(4) A period of supervised practice of professional counseling shall include, but not be limited to, practice in each of the following activities:

(a) Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual;

(b) Developing plans or policies to alleviate those difficulties.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

(c) Intervention, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

(5) At the end of the period of supervision, the candidate for certification shall have demonstrated competence in each of the activities listed in sub. (4).

MPSW 12.02 Supervised practice.

(1) SUPERVISOR QUALIFICATIONS. It is the applicant's responsibility to satisfy the professional counselors section that the applicant's supervisor ~~met all qualifications~~ has adequate training, knowledge, and skill to competently supervise any professional counseling service that a professional counselor undertakes. Supervision of the supervised practice of professional counseling may be exercised by any of the following:

Commented [SA4]: Discussed with the Board: criteria for supervision education.

(a) An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

(b) An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling.

(c) A psychiatrist.

(d) A psychologist licensed under ch. 455, Stats.

(e) A person employed by the division of vocational rehabilitation as a vocational rehabilitation supervisor, who is licensed as a professional counselor or who has engaged in the equivalent of 5 years of full-time professional counseling.

(f) An individual, other than an individual specified in pars. (a) to (e), who is approved in advance by the professional counselor section based upon evidence of 5 years of experience in counseling practice.

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

(a) Exercise discretion as to the frequency, duration, and intensity of the face-to-face supervision session to meet an average of one hour of supervision per week during the supervised practice period.

(b) Permit a supervisee to engage in only professional counseling services the supervisor can competently perform.

(c) Be available or make appropriate provision for emergency consultation or intervention.

(d) Be legally and ethically responsible for the supervised activities of the supervisee.

(e) Be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

(f) To terminate the supervised relationship.

(3) GROUP SUPERVISION REQUIREMENTS. Supervision in group sessions shall meet all of the following:

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

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

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

Chapter MPSW 16

REQUIREMENTS FOR MARRIAGE AND FAMILY THERAPY LICENSURE

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

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

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

[MPSW 16.04](#) Supervised Practice.

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

(1) An application and the fee under s. [440.05](#), Stats.

(2) Evidence of one of the following:

(a) A master's or doctorate degree in marriage and family therapy from a program accredited by COAMFTE.

(b) A master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling, or other mental health field that included the course work under s. [MPSW 16.02](#).

(c) A degree awarded by a foreign institution of higher learning that has been determined by an organization approved by the section to be equivalent to a degree from a master's or doctoral program accredited by COAMFTE. If the education was not received in English,

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

the applicant shall demonstrate proficiency in English by achieving a passing score on a Test of English as a Foreign Language (TOEFL) examination.

(3) Evidence the applicant, after receiving a master's or doctorate degree required under sub. (2), engaged in the equivalent of at least 3,000 hours of marriage and family therapy practice, including at least 1,000 hours of face-to-face client contact, while holding a valid marriage and family therapy training license and supervised by a person qualified to supervise under s. [MPSW 16.04](#).

(4) Verification of passage of an examination approved by the marriage and family therapist section to determine minimum competence to practice marriage and family therapy.

(5) Documentation necessary for the section to determine, subject to ss. [111.321](#), [111.322](#), and [111.335](#), Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense, as defined in s. [111.335 \(1m\) \(b\)](#), Stats., or a violent crime against a child, as defined in s. [111.335 \(1m\) \(d\)](#), Stats., that is substantially related to the practice of a marriage and family therapist.

(b) The applicant has been convicted of a crime substantially related to the practice of a marriage and family therapist.

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

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

(a) Submits a completed, signed application form.

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

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

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

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

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

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

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

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

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

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

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

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

- (a) At least 6 semester credits or 8 quarter credits in the area of foundations of relational or systemic practice, theories and models.
- (b) At least 6 semester credits or 8 quarter credits in the area of clinical treatment with individuals, couples and families. This area shall include a focus on evidence based practice and content on crisis intervention.
- (c) At least 3 semester credits or 4 quarter credits in the area of diverse, multicultural or underserved communities. This area shall include understanding and applying knowledge of diversity, power, privilege, or oppression.
- (d) At least 3 semester credits or 4 quarter credits in the area of research and evaluation. This area shall include marriage and family therapy research and evaluation methods and evidence-based practice.
- (e) At least 3 semester credits or 4 quarter credits in the area of professional identity, federal and state law, ethics, and social responsibility.
- (f) At least 3 semester credits or 4 quarter credits in the area of biopsychosocial health and development across the life span.
- (g) At least 3 semester credits or 4 quarter credits in the area of systemic assessment and mental health diagnosis and treatment.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

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

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

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

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

MPSW 16.04 ~~Supervised Practice~~ Supervised practice requirement.

Commented [SA5]: Repeal and recreate.

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

~~(2) SUPERVISOR QUALIFICATIONS. Supervision of the supervised practice of marriage and family therapy may be exercised by any of the following:~~

Commented [SA6]: MPSW 16.04 (2) to (4) moved to a tentative new section MPSW 16.05.

~~(a) An individual licensed as a marriage and family therapist who has received a doctorate degree in marriage and family therapy.~~

~~(b) An individual licensed as a marriage and family therapist who has engaged in the equivalent of 5 years of full-time marriage and family therapy practice.~~

~~(c) A psychiatrist.~~

~~(d) A psychologist licensed under ch. 455, Stats.~~

~~(e) A person who is an American Association for Marriage and Family Therapy approved supervisor or supervisor candidate.~~

~~(f) An individual, other than an individual specified in par. (a) to (e), who the marriage and family therapy section approves in advance based upon evidence of experience in marriage and family therapy systems.~~

~~(3) SUPERVISOR RESPONSIBILITIES. The supervisor's responsibilities include all of the following:~~

~~(a) Provide one hour of face-to-face supervision for each 10 client contact hours.~~

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

~~(b) Permit a supervisee to engage in only marriage and family therapy services the supervisor can competently perform.~~

~~(c) Be available or make appropriate provision for emergency consultation and intervention.~~

~~(d) Be legally and ethically responsible for the supervised activities of the supervisee.~~

~~(e) Be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases.~~

~~(f) To terminate the supervised relationship.~~

~~(4) GROUP SUPERVISION REQUIREMENTS. Supervision in group sessions, shall meet all of the following:~~

~~(a) The group shall consist of no more than 8 persons for every 1 person providing supervision.~~

~~(b) Each person receiving supervision as part of the group session receives one hour credit for each hour that the group meets for supervision. Time which is not directly case related may not be counted towards the supervision requirement.~~

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

(1) Except as provided in sub. (3), an applicant for licensure as a marriage and family therapist under s. 457.10, Stats., shall complete a period of supervised practice while holding a valid marriage and family therapist training license before being eligible for full licensure. Supervision may be exercised by a person other than an employment supervisor.

(2) A person with a training license must be supervised.

(3) An applicant who has completed any portion of their supervised marriage and family therapy practice in another state shall be given credit for those hours obtained without a marriage and family therapist training license provided the hours meet the requirements of this chapter.

(4) A period of supervised practice of marriage and family therapy shall include, but not be limited to, practice in each of the following activities:

(a) Evaluation and assessment of difficulties in psychosocial functioning of a group or another individual;

(b) Developing plans or policies to alleviate those difficulties.

(c) Intervention, which may include psychosocial evaluation and counseling of individuals, families and groups; advocacy; referral to community resources; and facilitation of organizational change to meet social needs.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

(5) At the end of the period of supervision, the candidate for certification shall have demonstrated competence in each of the activities listed in sub. (4).

MPSW 16.05 Supervised practice.

(1) SUPERVISOR QUALIFICATIONS. It is the applicant's responsibility to satisfy the marriage and family therapy section that the applicant's supervisor has adequate training, knowledge, and skill to competently supervise any marriage and family therapy service that a marriage and family therapist undertakes. Supervision of the supervised practice of marriage and family therapy may be exercised by any of the following:

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

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

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

(3) GROUP SUPERVISION REQUIREMENTS. Supervision in group sessions, shall meet all of the following:

- (a)** The group shall consist of no more than 8 persons for every 1 person providing supervision.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

(b) Each person receiving supervision as part of the group session receives one hour credit for each hour that the group meets for supervision. Time which is not directly case related may not be counted towards the supervision requirement.

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

Chapter MPSW 20

CONDUCT

[MPSW 20.01](#) Definition.

[MPSW 20.02](#) Unprofessional conduct.

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

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

MPSW 20.01 Definition. “Gross negligence” in the practice of social work, or marriage and family therapy, or professional counseling means the performance of professional services that does not comply with an accepted standard of practice that has a significant relationship to the protection of the health, safety or welfare of a patient, client, or the public, and that is performed in a manner indicating that the person performing the services knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

MPSW 20.02 Unprofessional conduct. Unprofessional conduct related to the practice under a credential issued under ch. [457](#), Stats., includes engaging in, attempting to engage in, or aiding or abetting the following conduct:

- (1) Performing or offering to perform services for which the credential holder is not qualified by education, training or experience.
- (2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential.
- (3) Undertaking or continuing performance of professional services after having been adjudged incompetent by any court of law.
- (4) Using fraud or deception in the application for a credential.

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

- (5) Using false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.
- (6) Engaging in false, fraudulent, deceptive or misleading billing practices.
- (7) Reporting distorted, false, or misleading information or making false statements in practice.
- (8) Discriminating on the basis of age, race, color, biological sex, gender, gender identity, religion, creed, national origin, ancestry, ethnicity, disability or sexual orientation by means of service provided or denied.
- (9) Practicing or attempting to practice while the credential holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the credential holder's ability to appropriately carry out the functions delineated under the credential in a manner consistent with the safety of a client, patient, or the public.
- (10) Revealing facts, data, information, records or communication received from a client in a professional capacity, except in any of the following circumstances:
- (a) With the informed consent of the client or the client's authorized representative.
 - (b) With notification to the client prior to the time the information was elicited of the use and distribution of the information.
 - (c) If necessary to prevent injury to the client or another person, or to report suspected abuse or neglect of a child, or threatened abuse or neglect of a child, including mandatory reports under state or federal law.
 - (d) Pursuant to a lawful order of a court of law.
 - (e) Use of case history material for teaching, therapeutic or research purposes, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.
 - (f) When required pursuant to federal or state statute.
- (11) Engaging in sexual contact, sexual conduct, or any other behavior which could reasonably be construed as seductive, romantic, harassing, or exploitative, with:
- (a) A client.
 - (b) A former client, regardless of the amount of time that has passed since the termination of professional services.
 - (c) A person to whom the credentialed person is providing teaching, supervisory, or other instructional services.
- (12) Failing to obtain the informed consent of the client or client's authorized representative prior to providing treatment. Informed consent shall be obtained whether the services are rendered in person or via telehealth.

Commented [ASD7]: CR 24-012 Telehealth

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

- (13) Failing to avoid dual relationships that may impair the credentialed person's objectivity or create a conflict of interest. Dual relationships prohibited to credentialed persons include the credentialed person treating the credentialed person's employers, employees, supervisors, supervisees, close friends or relatives, and any other person with whom the credentialed person shares any important continuing relationship.
- (13g) Developing a personal relationship with a former client that would impact the credentialed person's objectivity. This restriction shall apply for two years following the termination of the credential holder-client relationship.
- (13r) Taking unfair advantage of any professional relationship, or exploiting clients, students, or supervisees.
- (14) Failing to conduct an assessment, evaluation, or diagnosis as a basis for treatment.
- (15) Employing or claiming to have available secret techniques or procedures that the credential holder refuses to divulge.
- (16) In the conduct of research, failing to obtain the informed consent of a study participant, failing to protect participants from physical or mental discomfort, harm or danger, or failing to detect and remove any undesirable consequences to the participants resulting from research procedures.
- (17) Failing to inform the client of financial interests which are not obvious and which might accrue to the credential holder for referral to or for any use of service, product or publication.
- (18) Failing to maintain adequate records relating to services provided to a client in the course of a professional relationship. Clinical records shall be maintained for at least 7 years after the last service provided, unless otherwise provided by state or federal law.
- (19) Violating any of the provisions of ch. [457](#), Stats.
- (20) Failing to notify the board within 30 days that a credential permitting the practice of any profession previously issued to the credential holder has been revoked, suspended, limited, denied, surrendered under investigation, or subject to any other disciplinary action by the authorities of any jurisdiction.
- (21) Failing to make reasonable efforts to notify a client or a client's authorized representative when professional services will be interrupted or terminated by the credential holder.
- (22) Gross negligence in practice in a single instance, or negligence in practice in more than one instance.
- (23) Having a credential permitting the practice or use of a title related to marriage and family therapy, professional counseling, or social work revoked, suspended, limited, denied, surrendered under investigation, or by any other jurisdiction.
- (24) Failing to notify the appropriate section in writing within 48 hours after the entry of a judgment of conviction for a felony or misdemeanor against the credentialed person, including

MPSW 4, 12, 16, and 20 – Supervised Practice Comprehensive Review

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.

MPSW 20.03 Telehealth. The standards of practice and professional conduct under this chapter apply to a licensee regardless of whether health care service is provided in person or by telehealth.

Commented [ASD8]: CR 24-012 Telehealth

MPSW 1 to 20 – Counseling Compact

Chapter MPSW 1

AUTHORITY AND PRACTICE

[MPSW 1.01](#) Authority.

[MPSW 1.02](#) Definitions.

[MPSW 1.035](#) Rule-making.

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

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

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

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

[MPSW 1.10](#) Professional liability insurance.

[MPSW 1.11](#) Psychometric testing.

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

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

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

MPSW 1.02 Definitions. In chs. [MPSW 1](#) to [6](#) and [10](#) to [20](#):

(1) "AODA" means alcohol or other drug abuse.

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

(1q) "Credential" means a certificate or a license granted by the board.

(2) "Department" means the department of safety and professional services.

(2d) "DSM" means the diagnostic and statistical manual of mental disorders and refers to the most recent edition.

(2h) "ICRC" means the international certification reciprocity consortium.

(2m) "Psychotherapy" means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

MPSW 1 to 20 – Counseling Compact

(3) "Section" means either the marriage and family therapist section, the professional counselor section, or the social worker section of the marriage and family therapy, professional counseling and social work examining board.

MPSW 1.035 Rule-making.

(1) Except as provided in sub. (2), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

(2) The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest among the sections.

MPSW 1.04 Application procedures for all sections of the board. An application for certification is incomplete until all materials requested are received by the board office, in English or accompanied by a certified English translation.

Note: The board's mailing address is Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708-8935.

MPSW 1.05 Examination provisions for all sections.

(1) The board or its designee shall administer the examinations required of applicants for certification as a social worker, advanced practice social worker, or independent social worker, or for licensure as a clinical social worker, marriage and family therapist or professional counselor at least once a year.

(6) The passing grade on each examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for the examination testing entry level competency.

MPSW 1.08 Credential renewal and reinstatement procedures.

(1) **RENEWAL BY EXPIRATION DATE.** A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#), Stats. and attesting to completion of the continuing education required under s. [MPSW 19.02](#).

(2) **RENEWAL WITHIN 5 YEARS.** If the credential is renewed after the expiration date and within 5 years of the expiration date, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#), Stats., attesting to completion of the continuing education required under s. [MPSW 19.02](#), and paying a late renewal fee.

(3) **RENEWAL AFTER 5 YEARS OF RENEWAL DATE.** This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years of the renewal date by complying with all of the following:

MPSW 1 to 20 – Counseling Compact

(a) Payment of the renewal fee determined by the department under s. [440.03 \(9\) \(a\)](#) and the late renewal fee.

(b) Evidence of one of the following:

1. An active credential in good standing in another state.
2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

(4) REINSTATEMENT. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

- (a) Evidence of completion of the requirements in sub. [\(3\)](#) if the credential has not been active within the last 5 years.
- (b) Evidence of completion of disciplinary requirements, if applicable.
- (c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

MPSW 1.09 Substance abuse disorder specialty.

(1) Use of title and scope of practice.

(a) A person certified by the board may use the title “alcohol and drug counselor” or “chemical dependency counselor” only if the person is credentialed as a substance abuse counselor under s. [440.88](#), Stats., or satisfies the educational and supervised training requirements established in this section.

(b) A person who is certified by the board may treat substance use disorder as a specialty if the person is credentialed under s. [440.88](#), Stats., or satisfies the educational and supervised training requirements established in this section.

(c) A person certified by the board may do all of the following:

1. Prepare a client for substance use disorder treatment by referral.
2. Continue to work with the non-substance use disorder issues of a person who has been referred for substance use disorder treatment.
3. Continue to treat a client who is in recovery following treatment for substance use disorder.

(3) Specialty requirements for individuals certified by the board other than as advanced practice social workers or independent social workers. To be authorized to treat substance use disorder as a specialty, an individual certified under s. [457.08 \(1\)](#), [457.09 \(1\)](#) or [457.14 \(1\) \(a\)](#), Stats., shall meet all of the following:

MPSW 1 to 20 – Counseling Compact

(a) A minimum of 180 contact hours of substance use disorder education, which may be obtained within the bachelor or master's degree or in addition to the bachelor or master's degree. The education shall be in all of the following:

1. Thirty hours in assessment training.
2. Thirty hours in counseling training.
3. Thirty hours in case management.
4. Thirty hours in patient education.
5. Thirty hours in professional responsibility.
6. Three hours in boundaries and ethics.
7. Twenty-seven hours in electives in any of the subjects in subds. [1.](#) to [6.](#)

(b) A minimum of 1,000 of hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use disorders. The supervised hours can be either the same as or separate from the hours obtained for the credential issued by the board.

(4) **QUALIFIED SUPERVISORS.** A qualified supervisor is a person who is knowledgeable in psychopharmacology and addiction treatment and is any of the following:

- (a) A clinical supervisor, as defined in s. [SPS 160.02 \(7\)](#).
- (b) A licensed marriage and family therapist.
- (c) A licensed professional counselor.
- (d) A licensed clinical social worker, certified advanced practice social worker, or certified independent social worker.
- (e) A licensed psychologist.
- (f) A licensed physician.
- (g) An individual, other than an individual specified in pars. [\(a\)](#) to [\(f\)](#), who is approved in advance by the board.

(5) **CONTINUING EDUCATION.** To maintain the authority to treat substance use disorder, an individual certified by the board must complete at least 6 continuing education hours during each biennial credentialing period in substance use disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

MPSW 1.10 Professional liability insurance.

(1) Except as provided in sub. [\(2\)](#), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability

MPSW 1 to 20 – Counseling Compact

insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

MPSW 1.11 Psychometric testing.

(1) **AUTHORITY.** This rule is adopted pursuant to ss. [15.08 \(5\) \(b\)](#), [227.11 \(2\)](#) and [457.033](#), Stats.

(2) **DEFINITION.** In this section, the term “psychometric test” means a procedure for measuring psychological, behavioral or interpersonal characteristics in which a sample of an examinee's behavior is obtained and subsequently evaluated and scored using a standardized process. A person credentialed by the board may not use a testing instrument for diagnostic or assessment purposes unless he or she satisfies the requirements in sub. (5). Psychometric testing does not include a test instrument used solely to screen for problems, to assist in treatment planning, to clarify treatment goals, to plan for interventions, to monitor progress in treatment or an unstandardized questionnaire, unstructured behavior sample or a test used to evaluate performance in education or training or training prepared by a teacher or trainer.

(3) **REQUIREMENTS FOR PERFORMING PSYCHOMETRIC TESTING.** The competent use of a psychometric test requires that the licensee or person supervised by the licensee have the requisite knowledge, skills, training and experience needed to do all of the following:

- (a) Independently select and administer tests appropriate to the practice setting and area of practice.
- (b) Accurately administer, score, and interpret the test.
- (c) Understand and communicate the strengths and limitations of the test appropriate to the context in and purpose for which it is given.
- (d) Use culturally appropriate and sensitive instruments and norms.
- (e) Analyze the results within a broad context of information about the examinee's life.
- (f) Seek supervision or consultation as needed from any licensee who are authorized to perform psychometric testing under this subsection.

(4) **LICENSES AUTHORIZED TO PERFORM PSYCHOMETRIC TESTING.** Psychometric testing may be performed by the following individuals:

- (a) A psychologist licensed under ch. [455](#), Stats.
- (b) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or

MPSW 1 to 20 – Counseling Compact

a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and is acting under the supervision of a licensed psychologist.

(c) A licensed marriage and family therapist, licensed professional counselor or licensed clinical social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and [\(b\)](#).

(d) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker who satisfies the requirements in sub. [\(5\) \(a\)](#) and is acting under the supervision of another licensee of the board specified in par. [\(c\)](#).

(5) EDUCATIONAL REQUIREMENTS FOR PERFORMING PSYCHOMETRIC TESTING WITHOUT SUPERVISION. A person who meets the requirements in s. [MPSW 1.11 \(4\) \(b\)](#), [\(c\)](#) or [\(d\)](#) may engage in psychometric testing without supervision only if the appropriate section of the board has received and approved the following information demonstrating generic and specific qualifications to perform psychometric testing:

(a) Academic training at the graduate or postgraduate level from a regionally accredited program that covered:

1. Descriptive statistics.
2. Reliability and measurement error.
3. Validity and meaning of test scores.
4. Normative interpretation of test scores.
5. Selection of appropriate tests.
6. Test administration procedures.
7. Ethnic, racial, cultural, gender, age and linguistic variables.
8. Testing individuals with disabilities.

(b) A signed statement from a professional qualified to supervise psychometric testing as set forth in sub. [\(4\) \(a\)](#) and [\(c\)](#) that the supervised licensee meets the requirements to use psychometric tests as set forth in this subsection. A licensee determined to be qualified to use psychometric tests by prior affidavit is not required to resubmit a signed statement and is deemed to meet the requirements of pars. [\(a\)](#) and [\(b\)](#).

(6) LICENSES QUALIFIED TO SUPERVISE PSYCHOMETRIC TESTING. The only professionals qualified to supervise psychometric testing are licensed psychologists, licensed marriage and family therapists, licensed professional counselors, and licensed clinical social workers who meet the requirements in sub. [\(5\) \(a\)](#) and [\(b\)](#).

Chapter MPSW 10

MPSW 1 to 20 – Counseling Compact

DEFINITIONS FOR PRACTICE OF PROFESSIONAL COUNSELING

MPSW 10.01 Definitions.

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

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

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

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

(1g) “Counseling compact” has the meaning given in s. 457.01 (1t), Stats.

(1h) “Counseling compact commission” has the meaning given in s. 457.50 (2) (e), Stats.

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

(2) “Face-to-face” means in person or real time video conferencing where all parties can communicate by simultaneous two-way video and audio transmissions.

(3) “Privilege to practice” has the meaning given in s. 457.50 (2) (s), Stats.

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

(5m) “Single state license” has the meaning given in s. 457.50 (2) (w), Stats.

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

Chapter MPSW 11

MPSW 1 to 20 – Counseling Compact

APPLICATION FOR PROFESSIONAL COUNSELOR LICENSURE

[MPSW 11.01](#) Application for ~~license~~ **single-state license** as a professional counselor.

[MPSW 11.015](#) Application for a professional counselor training license.

[MPSW 11.035](#) Temporary license.

[MPSW 11.04](#) Reciprocal license.

[MPSW 11.045](#) Reciprocal credentials for service members, former service members, and their spouses.

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 ~~license~~ **single-state license 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 Council for Accreditation of Counseling and Related Educational Programs 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 Council for Accreditation of Counseling and Related Educational Programs accredited degree programs that are not listed in par. (b) but meet the requirements of s. [MPSW 14.01](#) or [14.02](#).
 - (d) A degree awarded by a foreign institution of higher learning which has been evaluated by an organization approved by the professional counselor section and is equivalent to a degree from a program approved under pars. (a) to (c). If the applicant's education was

MPSW 1 to 20 – Counseling Compact

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) Documentation necessary for the section to determine, subject to ss. [111.321](#), [111.322](#), and [111.335](#), Stats., whether any of the following apply:

(a) The applicant has a pending charge for an exempt offense, as defined in s. [111.335 \(1m\) \(b\)](#), Stats., or a violent crime against a child, as defined in s. [111.335 \(1m\) \(d\)](#), Stats., that is substantially related to the practice of a professional counselor.

(b) The applicant has been convicted of a crime substantially related to the practice of a professional counselor.

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:

MPSW 1 to 20 – Counseling Compact

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 in two year intervals at the discretion of the professional counselor section. In determining whether to renew a professional counselor training license, the professional counselor section may request any of the following from the applicant:

- (a) A statement explaining why the applicant needs additional time to complete the hours of professional counselor practice experience required under s. [MPSW 11.01 \(3\)](#).
- (b) Documentation of any continuing education or graduate level courses the applicant has completed since obtaining their professional counselor training license.
- (c) A report from a person actively supervising the applicant under s. [MPSW 12.02 \(1\)](#), demonstrating that the applicant is making satisfactory progress towards completion of the professional counselor practice experience required under s. [MPSW 11.01 \(3\)](#).
- (d) Other relevant documentation.

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.

MPSW 11.04 Reciprocal license. Except as provided in s. [MPSW 11.045](#), [11.05](#), and [11.06](#), the professional counselor section shall grant a license as a professional counselor to an applicant who pays the fee required by s. [440.05 \(2\)](#), Stats., and provides evidence of all of the following:

- (1) The applicant has a current credential as a professional counselor or the substantial equivalent in good standing in another state or territory of the United States.
- (2) The requirements for obtaining the credential in the other state or territory of the United States are substantially equivalent to the requirements under s. [457.12](#), Stats.

MPSW 1 to 20 – Counseling Compact

- (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 a pending charge for an exempt offense, as defined in s. [111.335 \(1m\) \(b\)](#), Stats., or a violent crime against a child, as defined in s. [111.335 \(1m\) \(d\)](#), Stats., that is substantially related to the practice of a professional counselor.
- (4m) The applicant has not been convicted of a crime substantially related to the practice of a professional counselor.
- (5) The applicant has a passing score on the Wisconsin statutes and rules examination.

MPSW 11.045 Reciprocal credentials for service members, former service members, and their spouses. The professional counselor section shall grant a reciprocal license to practice professional counseling to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. [440.09](#), Stats. Subject to s. [440.09 \(2m\)](#), Stats., the board may request verification necessary to make a determination under this section.

Note: Application forms are available from the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.

MPSW 11.05 Privilege to practice. An individual licensed in member state of the counseling compact wishing to practice in Wisconsin shall hold a Wisconsin privilege to practice issued by the counseling compact commission, or any successor organization. An applicant seeking a privilege to practice in Wisconsin shall complete the application process established by the counseling compact commission, including payment of the fee established by the department under s. 457.51(2).

Note: Instructions on how to obtain the privilege to practice can be found at the counseling compact commission's website at <http://counselingcompact.gov>.

MPSW 11.06 License based upon privilege to practice. A professional counselor licensed in a state part of the counseling compact applying for licensure in this state shall submit evidence of all of the following:

- (1) A valid privilege to practice pursuant to MPSW 11.05.
- (2) A completed application and the fee specified in s. 440.05 (1), Stats.

Note: Instructions for applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

- (3) An attestation that Wisconsin is the applicant's primary state of residence.
- (4) A federal bureau of investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the counseling compact commission as specified in s. 457.50 (5) (b) 2.a., Stats.

MPSW 1 to 20 – Counseling Compact

Chapter MPSW 12

PROFESSIONAL COUNSELOR SUPERVISED PRACTICE

[MPSW 12.01](#) Supervised practice requirement.

[MPSW 12.02](#) Supervised practice.

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

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

MPSW 12.01 Supervised practice requirement.

(1) Except as provided in sub. (3), an applicant for licensure as a professional counselor under s. [457.12](#), Stats., shall complete a period of supervised practice while holding a valid professional counselor training license before being eligible for licensure. Supervision may be exercised by a person other than an employment supervisor.

(2) A person with a training license must be supervised.

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

MPSW 12.02 Supervised practice.

(1) SUPERVISOR QUALIFICATIONS. It is the applicant's responsibility to satisfy the professional counselors section that the applicant's supervisor met all qualifications. Supervision of the supervised practice of professional counseling may be exercised by any of the following:

(a) An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

(b) An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling.

(c) A psychiatrist.

(d) A psychologist licensed under ch. [455](#), Stats.

(e) A person employed by the division of vocational rehabilitation as a vocational rehabilitation supervisor, who is licensed as a professional counselor or who has engaged in the equivalent of 5 years of full-time professional counseling.

(f) An individual, other than an individual specified in pars. (a) to (e), who is approved in advance by the professional counselor section based upon evidence of 5 years of experience in counseling practice.

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

MPSW 1 to 20 – Counseling Compact

(a) Exercise discretion as to the frequency, duration, and intensity of the face-to-face supervision session to meet an average of one hour of supervision per week during the supervised practice period.

(b) Permit a supervisee to engage in only professional counseling services the supervisor can competently perform.

(c) Be available or make appropriate provision for emergency consultation or intervention.

(d) Be legally and ethically responsible for the supervised activities of the supervisee.

(e) Be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases.

(f) To terminate the supervised relationship.

(3) GROUP SUPERVISION REQUIREMENTS. Supervision in group sessions shall meet all of the following:

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

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

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

Chapter MPSW 14

EQUIVALENCY OF PROFESSIONAL COUNSELOR ACADEMIC PROGRAMS

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

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

Note: Chapter SFC 14 was created as an emergency rule effective April 26, 1993.

Note: Chapter SFC 14 was renumbered ch. MPSW 14 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 7., Stats., [Register October 2002 No. 562](#).

MPSW 14.01 Academic program equivalent to a master's degree in professional counseling. An academic program is the equivalent of a master's degree in professional

MPSW 1 to 20 – Counseling Compact

counseling or rehabilitation counseling from an approved institution if the completed program meets the following criteria:

- (1)** The course work was completed at an institution which was accredited by its regional accrediting association at the time the applicant graduated from the program, and was part of a program of studies leading to a master's degree or doctoral degree in a field closely related to professional counseling or rehabilitation counseling.
- (2)** All course work reflected on the applicant's official transcript totals at least 60 semester hours or 90 quarter hours of academic credit. The course work included successful completion of all of the following:

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

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

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

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

- 1.** 'Human growth and development.' Studies that provide a broad understanding of the nature and needs of individuals at all developmental levels; normal and abnormal human behavior; personality theory; theories of individual and family development and transitions; theories for facilitating optimal development and wellness across the life span; and learning theory within appropriate cultural

MPSW 1 to 20 – Counseling Compact

contexts. Courses that focus on only one lifespan developmental level will not count in fulfilling this criterion.

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

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

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

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

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

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

8. 'Professional counseling orientation.' Studies that provide a broad understanding of professional counselor roles and functions; professional goals and objectives; professional organizations and associations; professional history and trends; ethical and legal standards; professional preparation standards; and

MPSW 1 to 20 – Counseling Compact

professional credentialing. The American Counseling Association (ACA) or the Commission on Rehabilitation Counselor Certification (CRCC) must have been the primary professional identity organization discussed and the ACA Code of Ethics or CRCC Code of Professional Ethics for Rehabilitation counselors must have been used as the primary professional conduct guide and prominently identified as such in the orientation course syllabus.

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

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

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

1. 'Clinical mental health counseling diagnosis and treatment planning.' If the academic program has an emphasis in clinical mental health counseling, coursework addressing the diagnostic process, including differential diagnosis and the use of diagnostic classification systems such as the Diagnostic and Statistical Manual of Mental Disorders (DSM) and/or the International Classification of Diseases (ICD); training on administration of intake interview, mental status evaluation, biopsychosocial history, mental health history, and psychological assessment for treatment planning and caseload management; and techniques and interventions related to a broad range of mental health issues.
2. 'Rehabilitation counseling diagnosis and treatment planning.' If the academic program has an emphasis in rehabilitation counseling, coursework addressing diagnostic interviews, mental status examinations, symptom inventories, psychoeducational and personality assessments, biopsychosocial histories, assessments for treatment planning; career and work-related assessments including job-analysis, work site modification, transferrable skills analysis, and job readiness; strategies to advocate for clients with disabilities and rehabilitation counseling.

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

MPSW 1 to 20 – Counseling Compact

1. 'Crisis and trauma counseling.' Studies that include counseling approaches that effectively address crises and trauma, the impact of trauma and crisis and potential neurobiological responses; skills and techniques for assessing and intervening in specific crisis or trauma situations including suicide assessment and intervention.
2. 'Abnormal behavior and psychopathology.' Studies that include concepts of psychopathology and introduces methods of assessment and diagnosis for children, adolescents and adults with major mental disorders; and personality disorders, multiple perspectives of emotional and psychological distress, disturbance and behavior; skills to use the DSM diagnostic system while including acknowledgement of client strengths and resilience and the social and cultural context.
3. 'Addictions counseling.' Studies that provide an overview of addiction, the process of addiction, treatment and recovery approaches, relapse prevention, developmental issues related to addiction; treatment and prevention planning in regard to addiction.
4. 'Family, partnership, and couples counseling.' Studies that provide information and skills relevant to conducting partner or marital and family counseling services within a multicultural society with emphasis given to systemic theory and philosophy; dynamics of family interaction and the initial skills in assessment and treatment of dysfunctional partner, marital, family and systems or ecosystems relationships.

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

MPSW 14.02 Academic program equivalent to a doctorate in professional counseling. An academic program is the equivalent of a doctoral degree in professional counseling from an approved institution if the completed program meets all of the following criteria:

- (1) The course work was completed at an institution which was accredited by its regional accrediting association at the time the applicant graduated from the program, and was part of a program of studies leading to a doctoral degree in a field closely related to professional counseling.
- (2) The doctoral program consists of a minimum of 4 academic years of graduate-level preparation defined as 8 semesters or 12 quarters with a minimum of 96 semester credits or 144 quarter credits of graduate-level credits required of all students in the program.
- (3) Doctoral students are required to participate in a supervised doctoral-level practicum of a minimum of 100 hours in counseling, of which 40 hours must be in direct service with clients. The nature of the doctoral-level practicum experience is to be determined in consultation with

MPSW 1 to 20 – Counseling Compact

program faculty or a doctoral committee, or both. During the doctoral student's practicum, supervision by student supervisors is not permissible.

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

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

Chapter MPSW 19

CONTINUING EDUCATION

[MPSW 19.01](#) Definitions.

[MPSW 19.02](#) Continuing education requirements.

[MPSW 19.03](#) Approved continuing education.

[MPSW 19.04](#) Postponement, waiver, and exemption.

[MPSW 19.05](#) Record retention and audits.

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

MPSW 19.01 Definitions. In this chapter:

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

(2) "Interactive learning format" means a live, synchronous presentation with discussion or an asynchronous educational program by a provider under s. [MPSW 19.03 \(1\) \(a\)](#) or [\(f\)](#).

(3) "Section" means any of the following:

(a) Marriage and family therapy section.

(b) Professional counseling section.

(c) Social worker section.

MPSW 19.02 Continuing education requirements.

MPSW 1 to 20 – Counseling Compact

- (1) Unless granted a postponement or waiver of the continuing education requirement under s. [MPSW 19.04](#), every marriage and family therapist, professional counselor, social worker, advanced practice social worker, independent social worker, and clinical social worker shall complete at least 30 continuing education credit hours in approved continuing education programs during each 2 year credential period and certify on the application for renewal that all required education was completed. Unless granted a postponement or waiver of the continuing education requirement, a credential holder who fails to meet the continuing education requirements by the renewal deadline must discontinue the use of the title.
- (2) A minimum of 4 continuing education credit hours, of the required 30 continuing education credit hours, shall be in the area of professional ethics and boundaries related to the practice of marriage and family therapy, professional counseling, or social work.

 - (a) A person holding multiple credentials granted by the board shall complete only a minimum of 4 continuing education credit hours in the area of professional ethics and boundaries.
 - (b) Social work credential holders shall complete their ethics continuing education credit hours in an interactive learning format.
- (3) During the time between receiving the initial credential and commencement of a full 2 year credentialing period, a new credential holder is not required to meet continuing education requirements for the first renewal of the credential.
- (4) Continuing education credit hours shall apply only to the 2 year credential period in which the credit hours are completed, unless either of the following applies:

 - (a) Continuing education credit hours required as a consequence of a disciplinary proceeding may not be counted towards the fulfillment of generally applicable continuing education requirements.
 - (b) If the credential holder fails to meet the continuing education requirement during a 2 year credential period, any additional continuing education credit hours completed on or after the renewal date to satisfy the requirement of the preceding period will not apply to the period in which they are earned.

MPSW 19.03 Approved continuing education.

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

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

 1. American Association for Marriage and Family Therapy (AAMFT) or affiliated divisions.
 2. Wisconsin Association for Marriage and Family Therapy (WAMFT).

MPSW 1 to 20 – Counseling Compact

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

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

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

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

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

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

(2) Continuing education hours may be awarded for the following professional activities, if relevant to the professional practice of marriage and family therapy, professional counseling, or social work:

MPSW 1 to 20 – Counseling Compact

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

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

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

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

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

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

MPSW 19.04 Postponement, waiver, and exemption.

(1) A credential holder may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness, disability, or other grounds constituting extreme hardship. The section shall consider each application individually on its merits, and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

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

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

MPSW 19.05 Record retention and audits. A credential holder shall retain for a minimum period of 4 years and shall make available to the board, or its agent upon request, documentation of publication or certificates of attendance issued by the program sponsor for all continuing

MPSW 1 to 20 – Counseling Compact

education programs for which the credential holder claims credit for purposes of renewal of the credential. The certificate shall include the name of credential holder, date, provider name, hours, and title of program.

Chapter MPSW 20

CONDUCT

MPSW 20.01 Definition.

MPSW 20.02 Unprofessional conduct.

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

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

MPSW 20.01 Definition. “Gross negligence” in the practice of social work, or marriage and family therapy, or professional counseling means the performance of professional services that does not comply with an accepted standard of practice that has a significant relationship to the protection of the health, safety or welfare of a patient, client, or the public, and that is performed in a manner indicating that the person performing the services knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

MPSW 20.02 Unprofessional conduct. Unprofessional conduct related to the practice under a [privilege to practice or a](#) credential issued under ch. [457](#), Stats., includes engaging in, attempting to engage in, or aiding or abetting the following conduct:

- (1) Performing or offering to perform services for which the credential holder is not qualified by education, training or experience.
- (2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential [or privilege to practice](#).
- (3) Undertaking or continuing performance of professional services after having been adjudged incompetent by any court of law.
- (4) Using fraud or deception in the application for a credential [or privilege to practice](#).
- (5) Using false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.
- (6) Engaging in false, fraudulent, deceptive or misleading billing practices.
- (7) Reporting distorted, false, or misleading information or making false statements in practice.

MPSW 1 to 20 – Counseling Compact

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

(9) Practicing or attempting to practice while the credential holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the credential holder's ability to appropriately carry out the functions delineated under the credential in a manner consistent with the safety of a client, patient, or the public.

(10) Revealing facts, data, information, records or communication received from a client in a professional capacity, except in any of the following circumstances:

(a) With the informed consent of the client or the client's authorized representative.

(b) With notification to the client prior to the time the information was elicited of the use and distribution of the information.

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

(d) Pursuant to a lawful order of a court of law.

(e) Use of case history material for teaching, therapeutic or research purposes, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.

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

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

(a) A client.

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

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

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

(13) Failing to avoid dual relationships that may impair the credentialed person's objectivity or create a conflict of interest. Dual relationships prohibited to credentialed persons include the credentialed person treating the credentialed person's employers, employees, supervisors, supervisees, close friends or relatives, and any other person with whom the credentialed person shares any important continuing relationship.

MPSW 1 to 20 – Counseling Compact

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

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

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

(15) Employing or claiming to have available secret techniques or procedures that the credential holder refuses to divulge.

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

(17) Failing to inform the client of financial interests which are not obvious and which might accrue to the credential holder for referral to or for any use of service, product or publication.

(18) Failing to maintain adequate records relating to services provided to a client in the course of a professional relationship. Clinical records shall be maintained for at least 7 years after the last service provided, unless otherwise provided by state or federal law.

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

(20) Failing to notify the board within 30 days that a credential permitting the practice of any profession previously issued to the credential holder has been revoked, suspended, limited, denied, surrendered under investigation, or subject to any other disciplinary action by the authorities of any jurisdiction.

(21) Failing to make reasonable efforts to notify a client or a client's authorized representative when professional services will be interrupted or terminated by the credential holder.

(22) Gross negligence in practice in a single instance, or negligence in practice in more than one instance.

(23) Having a credential permitting the practice or use of a title related to marriage and family therapy, professional counseling, or social work revoked, suspended, limited, denied, surrendered under investigation, or by any other jurisdiction.

(24) Failing to notify the appropriate section in writing within 48 hours after the entry of a judgment of conviction for a felony or misdemeanor against the credentialed person, including the date, place, and nature of the conviction or finding. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime in order that the section may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the credential holder's practice.

MPSW 1 to 20 – Counseling Compact

(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.

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

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

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board **to amend** MPSW 11.01 (title), 11.04 (intro), and 20.02 (intro); and **to create** MPSW 10.01 (1g), (3), (5m), 11.05, and 11.06; relating to counseling compact.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Subchapter II of chapter 457, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2) (a).

Explanation of agency authority:

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

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

Related statute or rule:

Ch. PT 1.

Plain language analysis:

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board conducted a comprehensive evaluation of its rules to implement the Counseling Compact established by 2023 Wisconsin Act 55 to ensure clarity and consistency with applicable Wisconsin statutes. The following updates were made:

- Created definitions of “counseling compact”, “privilege to practice” and “single state license”.
- Identify the requirements for obtaining a license based upon the privilege to practice and also the requirements to obtain a privilege to practice.
- Amended the unprofessional conduct requirements in MPSW 20 to also apply to those practicing in Wisconsin under a privilege to practice.

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 scope statement for this rule at its July 16, 2024 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois

Illinois is not a member state of the Counseling Compact yet, though in 2024 they introduced legislation to become part of the Compact.

Iowa

Iowa is a member of the Counseling Compact and has incorporated the rules of the Counseling Compact Commission by reference in their Administrative Code. [481 IAC 891.4 (147)] The full extent of the provisions for privilege to practice and license based on a privilege to practice are contained in section 147H.1 of the Iowa Statutes.

Michigan

Michigan is not a member state of the Counseling Compact.

Minnesota

Minnesota is a member state of the Counseling Compact. The provisions regarding privilege to practice and licensed based on privilege to practice are stated in chapter 148B section 148B.75 of the Minnesota Statutes.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing chapters MPSW 1 to 20 and implementing 2023 Wisconsin Act 55 to ensure that the code is compliant with statutory changes and with current standards of practice. No additional factual data or analytical methodologies were used to develop the proposed rules.

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

The rule draft was posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses. 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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, 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 beginning of the public hearing scheduled for TBD to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 10.01 (1g) and (1h) are created to read:

MPSW 10.01 (1g) “Counseling compact” has the meaning given in s. 457.01 (1t), Stats.

MPSW 10.01 (1h) “Counseling compact commission” has the meaning given in s. 457.50 (2) (e), Stats.

SECTION 2. MPSW 10.01 (3) is created to read:

MPSW 10.01 (3) “Privilege to practice” has the meaning given in s. 457.50 (2) (s), Stats.

SECTION 3. MPSW 10.01 (5m) is created to read:

MPSW 10.01 (5m) “Single state license” has the meaning given in s. 457.50 (2) (w), Stats.

SECTION 4. MPSW 11.01 (title) is amended to read:

MPSW 11.01 Application for licensure single-state license as a professional counselor.

SECTION 5. MPSW 11.04 (intro) is amended to read:

MPSW 11.04 Reciprocal license. Except as provided in s. MPSW 11.045, 11.05, and 11.06, 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:

SECTION 6. MPSW 11.05 and 11.06 are created to read:

MPSW 11.05 Privilege to practice. An individual licensed in member state of the counseling compact wishing to practice in Wisconsin shall hold a Wisconsin privilege to practice issued by the counseling compact commission, or any successor organization. An applicant seeking a privilege to practice in Wisconsin shall complete the application process established by the counseling compact commission, including payment of the fee established by the department under s. 457.51(2).

Note: Instructions on how to obtain the privilege to practice can be found at the counseling compact commission’s website at <http://counselingcompact.gov>

MPSW 11.06 License based upon privilege to practice. A professional counselor licensed in a state part of the counseling compact applying for licensure in this state shall submit evidence of all of the following:

- (1) A valid privilege to practice pursuant to MPSW 11.05.
- (2) A completed application and the fee specified in s. 440.05 (1), Stats.

Note: Instructions for applications can be found on the department of safety and professional services’ website at <http://dsps.wi.gov>.

- (3) An attestation that Wisconsin is the applicant's primary state of residence.
- (4) A federal bureau of investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the counseling compact commission as specified in s. 457.50 (5) (b) 2.a., Stats.

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

MPSW 20.02 Unprofessional conduct. Unprofessional conduct related to the practice under a privilege to practice or a credential issued under ch. 457, Stats., includes engaging in, attempting to engage in, or aiding or abetting the following conduct:

SECTION 8. MPSW 20.02 (2) and (4) are amended to read:

MPSW 20.02 (2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the credential or privilege to practice.

MPSW 20.02 (4) Using fraud or deception in the application for a credential or privilege to practice.

SECTION 9. 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)

MPSW Examining Board
Rule Projects (updated 04/11/2025)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
24-012	064-22	01/25/2025	MPSW 1 to 20	Telehealth Comprehensive Review	The Board requested to do a comprehensive review of all their chapters while implementing 2021 WI Act 121.	Adoption Order submitted to Administrative Register.	Rule effective June 1, 2025.
25-003	102-23	05/20/2026	MPSW 3	Supervised Practice	The SW section found inconsistencies between the training hour requirements in-state and out-of-state for licensed clinical social workers, and between the requirements in the Statutes for independent social workers and the Administrative Code.	Public Hearing at the April meeting.	Submission of final rule draft and Legislative Report to the Governor's Office.
24-097	103-23	05/20/2026	MPSW 19	Continuing Education	The Board would like to review the continuing education providers and programs to eliminate duplicate entries and potentially update the list of programs and providers.	Legislative Review.	If there are no objections, rule can be adopted.
	018-24	08/12/2026	MPSW 4, 12, 16, and 20	Supervision requirements	The objective of the proposed rule will be to revise the relevant sections of the MPSW code that refer to supervised practice and approving completion of hours to social workers, professional counselors, and marriage and family therapists who are under supervision.	Drafting rule.	EIA Comment Period, Clearinghouse Review, and Public Hearing.

MPSW Examining Board

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
	052-24	11/20/2026	MPSW 1 to 20	Counseling Compact	The objective of this rule is to implement the statutory changes from 2023 Wisconsin Act 55, which establishes Wisconsin as a member of the Professional Counselor's Counseling Compact.	Drafting rule.	EIA Comment Period, Clearinghouse Review, and Public Hearing.