



**HYBRID (IN-PERSON/VIRTUAL)
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD**

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

Contact: Brad Wojciechowski (608) 266-2112

July 16, 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 April 23, 2025 (3-4)

C. Reminders: Scheduling Concerns

D. Introductions, Announcements, and Recognitions

E. 11:30 A.M. PUBLIC HEARING – Clearinghouse Rule 25-040 MPSW 1 to 20, relating to Counseling Compact (5-17)

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 (18-73)

1. 2025 Senate Bill 74 and 2025 Assembly Bill 80 – relating to ratification of social work compact

H. Administrative Rule Matters – Discussion and Consideration (74-105)

1. Preliminary Rule Draft: MPSW 4, 12, 16, and 20, relating to supervised requirements (75-103)
2. Pending or Possible Rulemaking Projects (104-105)

I. Wisconsin Supreme Court Opinion re: Evers v. Marklein – Discussion (106)

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: OCTOBER 14, 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://dsps.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
APRIL 23, 2025**

PRESENT: Jessica Bowers, Terrance Erickson (*arrived at 11:44 a.m.*), Ann Glavan (*arrived at 11:35 a.m.*), Shawna Hansen, Joshua Lee, Sheng Lee Yang, Marietta Luster, Nick Raef, Andrea Simon, Tim Strait, Patrick Stumbras, Christopher Webster

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

CALL TO ORDER

Tim Strait, Chairperson, called the meeting to order at 11:33 a.m. A quorum was confirmed with ten (10) members present.

ADOPTION OF AGENDA

MOTION: Jessica Bowers moved, seconded by Sheng Lee Yang, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 22, 2025

MOTION: Andrea Simon moved, seconded by Jessica Bowers, to approve the Minutes of January 22, 2025, as published. Motion carried unanimously.

Ann Glavan arrived at 11:35 a.m.

11:30 A.M. PUBLIC HEARING

Terrance Erickson arrived at 11:44 a.m.

PUBLIC HEARING – Clearinghouse Rule 25-003 MPSW 3, relating to supervised practice

MOTION: Terrance Erickson moved, seconded by Jessica Bowers, to reject Clearinghouse comment numbers 5.a, 5.b. and 2.d, and to accept all Clearinghouse comments for Clearinghouse Rule 25-003 (MPSW 3), relating to supervised practice. Motion carried unanimously.

AND,

MOTION: Terrance Erickson moved, seconded by Sheng Lee Yang, 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 25-003 (MPSW 3), relating to supervised practice, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULES MATTERS

Preliminary Rule Draft: MPSW 1 to 20, relating to Counseling Compact

MOTION: Ann Glavan moved, seconded by Sheng Lee Yang, 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 preliminary rule draft of MPSW 1 to 20, relating to Counseling Compact, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

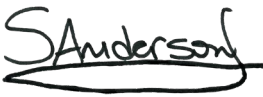
ADJOURNMENT

MOTION: Sheng Lee Yang moved, seconded by Jessica Bowers, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:59 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: 07/02/2025 <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: July 16, 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 25-040 MPSW 1 to 20, relating to Counseling Compact. 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;"> 07/02/2025 </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 11.01 (title), 11.04 (intro), 20.02 (intro), and 20.02 (2) and (4); and **to create** MPSW 10.01 (1g), (1h), (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 July 16, 2025, 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 a 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)



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
Legislative Council Director

CLEARINGHOUSE RULE 25-040

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 rule caption’s listing of affected provisions, the second listing of “20.02” could be removed.
- b. In SECTION 6 of the proposed rule, in s. MPSW 11.05, the format for the statutory reference should be revised to “s. 457.51 (2), Stats.”.
- c. In SECTION 6 of the proposed rule, in s. MPSW 11.06 (1), the abbreviation “s.” should be inserted before “MPSW 11.05”.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Should the “Statutes Interpreted” section of the analysis include additional statutes contained within subch. I of ch. 457, Stats.? For example, it appears the board has interpreted s. 457.12, Stats. (and s. 457.51, Stats., which is already contemplated in the Statutes Interpreted section of the analysis), since at this time the board has chosen not to impose state law examination requirements by rule as permitted under s. 457.12 (2m) and (3m), Stats. (and s. 457.51 (3), Stats.). Additionally, the concept of a “single-state” license appears to be created by 2023 Wisconsin Act 55, especially within s. 457.12 (4m), Stats., and that concept is implicated in the change made within SECTION 4 of the proposed rule.
- b. The analysis for the proposed rule identifies ch. PT 1 as a related statute or rule. However, it appears this may have been referenced only as an example of a professional occupation’s compact privilege administrative rule provision. Would ch. PT 1 perhaps be better cited in the summary of factual data and analytical methodologies, as a comparison that may have been reviewed in developing the counseling compact administrative rule provisions? The physical therapy compact privilege provisions are not otherwise related to the counseling compact subject matter. In the listing of related statutes and rules, consider instead citing ch. MPSW 1.

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

In SECTION 6 of the proposed rule, in s. MPSW 11.06 (intro.), it appears that a word may be missing in the phrase “A professional counselor licensed in a state part of the counseling compact”. Was this intended to be “in a state **that is** part of the counseling compact”? The board could consider revising this to “in a state **that is a member of** the counseling compact”.

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 25-040)

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), 20.02 (intro), ~~20.02~~ (2), and (4); and **to create** MPSW 10.01 (1g), (1h), (3), (5m), 11.05, and 11.06; relating to counseling compact.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 457.12 and 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:

Chapter ~~PT~~ MPSW 1.

Plain language analysis:

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

In the rule caption’s listing of affected provisions, the second listing of “20.02” could be removed.

Commented [SA2]: Clearinghouse comment #4.a.:

Should the “Statutes Interpreted” section of the analysis include additional statutes contained within subch. I of ch. 457, Stats.? For example, it appears the board has interpreted s. 457.12, Stats. (and s. 457.51, Stats., which is already contemplated in the Statutes Interpreted section of the analysis), since at this time the board has chosen not to impose state law examination requirements by rule as permitted under s. 457.12 (2m) and (3m), Stats. (and s. 457.51 (3), Stats.). Additionally, the concept of a “single-state” license appears to be created by 2023 Wisconsin Act 55, especially within s. 457.12 (4m), Stats., and that concept is implicated in the change made within SECTION 4 of the proposed rule.

Commented [SA3]: Clearinghouse comment #4.b.:

The analysis for the proposed rule identifies ch. PT 1 as a related statute or rule. However, it appears this may have been referenced only as an example of a professional occupation’s compact privilege administrative rule provision. Would ch. PT 1 perhaps be better cited in the summary of factual data and analytical methodologies, as a comparison that may have been reviewed in developing the counseling compact administrative rule provisions? The physical therapy compact privilege provisions are not otherwise related to the counseling compact subject matter. In the listing of related statutes and rules, consider instead citing ch. MPSW 1.

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 **PT 1**, 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 July 16, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

Commented [SA4]: Clearinghouse comment #4.b.:

The analysis for the proposed rule identifies ch. PT 1 as a related statute or rule. However, it appears this may have been referenced only as an example of a professional occupation's compact privilege administrative rule provision. Would ch. PT 1 perhaps be better cited in the summary of factual data and analytical methodologies, as a comparison that may have been reviewed in developing the counseling compact administrative rule provisions? The physical therapy compact privilege provisions are not otherwise related to the counseling compact subject matter. In the listing of related statutes and rules, consider instead citing ch. MPSW 1.

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 a 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), Stats.

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 that is a member 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 s. MPSW 11.05.
- (2) A completed application and the fee specified in s. 440.05 (1), Stats.

Commented [SA5]: Clearinghouse comment #2.b.:

In SECTION 6 of the proposed rule, in s. MPSW 11.05, the format for the statutory reference should be revised to “s. 457.51 (2), Stats.”.

Commented [SA6]: Clearinghouse comment #5:

In SECTION 6 of the proposed rule, in s. MPSW 11.06 (intro.), it appears that a word may be missing in the phrase “A professional counselor licensed in a state part of the counseling compact”. Was this intended to be “in a state **that is** part of the counseling compact”? The board could consider revising this to “in a state **that is a member of** the counseling compact”.

Commented [SA7R6]: Discuss with Board

Commented [SA8]: Clearinghouse comment #2.c.:

In SECTION 6 of the proposed rule, in s. MPSW 11.06 (1), the abbreviation “s.” should be inserted before “MPSW 11.05”.

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)

**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: 7/1/2025 <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: 7/16/2025	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 Senate Bill 74 and 2025 Assembly Bill 80 – relating to ratification of social work compact	
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: <Click Here to Add Description>			
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;"> 7/1/2025 </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.			



2025 SENATE BILL 74

February 26, 2025 - Introduced by Senators STAFSHOLT, CABRAL-GUEVARA, CARPENTER, DASSLER-ALFHEIM, DRAKE, JAMES, KEYESKI, LARSON, PFAFF, SPREITZER, WALL, RATCLIFF and L. JOHNSON, cosponsored by Representatives VANDERMEER, TITTL, ANDERSON, BARE, DITTRICH, DOYLE, EMERSON, FRANKLIN, GREEN, GUNDRUM, J. JACOBSON, JOERS, JOHNSON, KNODL, MELOTIK, MIRESE, MOORE OMOKUNDE, MURSAU, NOVAK, O'CONNOR, PHELPS and ROE. Referred to Committee on Health.

1 **AN ACT** *to renumber* 457.25 (1); *to amend* 46.90 (4) (ab) 4., 48.56 (2), 48.561
2 (2), 49.45 (30j) (a) 1., 51.03 (6) (a), 55.043 (1m) (a) 4., 146.81 (1) (hg), 146.89 (1)
3 (r) 6., 146.89 (1) (r) 7., 146.997 (1) (d) 11., 252.14 (1) (ar) 7., 252.15 (1) (er),
4 253.10 (2) (f), 303.08 (1) (f), 440.03 (13) (b) (intro.), 440.15, 446.01 (1v) (m),
5 450.10 (3) (a) 10., 457.01 (1c), 457.01 (1r), 457.01 (10), 457.02 (5) and (5m),
6 457.03 (2), 457.033, 457.035 (2), 457.04 (1), 457.04 (2), 457.04 (4), 457.04 (7),
7 457.09 (4) (b) 1., 457.09 (4) (b) 2., 457.24 (1), 457.26 (2) (intro.) and 905.04 (1)
8 (g); *to repeal and recreate* 632.89 (1) (dm); *to create* 14.898, 440.03 (11m) (c)
9 2v., 440.03 (13) (c) 1. id., 457.01 (5g), 457.01 (5j), 457.01 (12), 457.08 (4m),
10 457.25 (1g) and subchapter III of chapter 457 [precedes 457.70] of the statutes;
11 **relating to:** ratification of the Social Work Licensure Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Social Work Licensure Compact, which provides for the ability of a social worker to become eligible to

SENATE BILL 74

practice in other compact states. Significant provisions of the compact include the following:

1. The creation of a Social Work Licensure Compact Commission, which includes one member or administrator of the licensure authorities of each member state. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating binding rules for the compact, hiring officers, electing or appointing employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees of member states to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a social worker who is licensed in a home state and satisfies certain other criteria to obtain a multistate license, which allows a social worker to practice social work in all other compact states (remote states) under a multistate authorization to practice. The compact specifies a number of requirements in order for an individual to obtain a social worker multistate license, including holding or being eligible for a social worker license in a home state, paying any required fees, and satisfying a number of criteria that are specific to the category of social work license the individual is seeking—bachelor's, master's, or clinical. A regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may take actions against a social worker's multistate authorization to practice within that remote state, and if any adverse action is taken by a home state against a licensee's multistate license, the social worker's multistate authorization to practice in all other member states is deactivated until all encumbrances have been removed from the multistate license.

3. The ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated data system containing licensure and disciplinary action information on social workers. The compact requires all home state disciplinary orders that impose adverse actions against the license of a regulated social worker to include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order, or agreement are satisfied. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

5. Provisions regarding resolutions of disputes among member states and between member and nonmember states, including a process for termination of a state's membership in the compact if the state defaults on its obligations under the compact.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides

SENATE BILL 74**SECTION 1**

that a withdrawal does not take effect until 180 days after the effective date of that repeal.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 14.898 of the statutes is created to read:

2 **14.898 Social work licensure compact.** There is created a social work
3 licensure compact commission as specified in s. 457.70. The delegate on the
4 commission representing this state shall be appointed by the marriage and family
5 therapy, professional counseling, and social work examining board as provided in s.
6 457.70 (10) (b) 1. and shall be an individual described in s. 457.70 (10) (b) 2. a. or b.
7 The commission has the powers and duties granted and imposed under s. 457.70.

8 **SECTION 2.** 46.90 (4) (ab) 4. of the statutes is amended to read:

9 46.90 (4) (ab) 4. A social worker, professional counselor, or marriage and
10 family therapist ~~certified under, as those terms are defined in subch. I of ch. 457 or~~
11 ~~a professional counselor who is exercising the privilege to practice, as defined in s.~~
12 ~~457.50 (2) (s), in this state.~~

13 **SECTION 3.** 48.56 (2) of the statutes is amended to read:

14 48.56 (2) Each county department shall employ personnel who devote all or
15 part of their time to child welfare services. Whenever possible, these personnel
16 shall be social workers ~~certified under subch. I of ch. 457, as defined in s. 457.01~~
17 (10).

18 **SECTION 4.** 48.561 (2) of the statutes is amended to read:

19 48.561 (2) The department shall employ personnel in a county having a

SENATE BILL 74**SECTION 4**

1 population of 750,000 or more who devote all of their time directly or indirectly to
2 child welfare services. Whenever possible, these personnel shall be social workers
3 ~~certified under subch. I of ch. 457, as defined in s. 457.01 (10).~~

4 **SECTION 5.** 49.45 (30j) (a) 1. of the statutes is amended to read:

5 49.45 **(30j)** (a) 1. “Competent mental health professional” means a physician
6 who has completed a residence in psychiatry; a psychologist; a private practice
7 school psychologist who is licensed under ch. 455; a marriage and family therapist
8 who is licensed under s. 457.10 or 457.11; a professional counselor ~~who is licensed~~
9 ~~under s. 457.12 or 457.13 or who is exercising the professional counselor privilege to~~
10 ~~practice, as defined in s. 457.50 (2) (s) 457.01 (7), in this state; an advanced practice~~
11 ~~social worker who holds a certificate under s. 457.08 (2), as defined in s. 457.01 (1c);~~
12 ~~an independent social worker who holds a certificate under s. 457.08 (3), as defined~~
13 ~~in s. 457.01 (2g); a clinical social worker who is licensed under s. 457.08 (4), as~~
14 ~~defined in s. 457.01 (1r); a clinical substance abuse counselor or independent~~
15 ~~clinical supervisor who is certified under s. 440.88, or any of these individuals who~~
16 ~~is practicing under a currently valid training or temporary license or certificate~~
17 ~~granted under applicable provisions of ch. 457. “Competent mental health~~
18 ~~professional” does not include an individual whose license, certificate, or privilege~~
19 ~~is suspended, revoked, or voluntarily surrendered, or whose license, certificate, or~~
20 ~~privilege is limited or restricted, when practicing in areas prohibited by the~~
21 ~~limitation or restriction.~~

22 **SECTION 6.** 51.03 (6) (a) of the statutes is amended to read:

23 51.03 **(6)** (a) In this subsection, “licensed treatment professional” means a
24 physician who has completed a residence in psychiatry; a psychologist; a private

SENATE BILL 74**SECTION 6**

1 practice school psychologist who is licensed under ch. 455; a marriage and family
2 therapist ~~who is licensed under s. 457.10 or 457.11, as defined in s. 457.01 (3); a~~
3 professional counselor ~~who is licensed under s. 457.12 or 457.13 or who is exercising~~
4 ~~the professional counselor privilege to practice, as defined in s. 457.50 (2) (s), in this~~
5 ~~state, as defined in s. 457.01 (7); an advanced practice social worker who holds a~~
6 ~~certificate under s. 457.08 (2), as defined in s. 457.01 (1c); an independent social~~
7 ~~worker who is licensed under s. 457.08 (3), as defined in s. 457.01 (2g); a clinical~~
8 ~~social worker who is licensed under s. 457.08 (4), as defined in s. 457.01 (1r); or any~~
9 of these individuals who is practicing under a currently valid training or temporary
10 license or certificate granted under applicable provisions of ch. 457. “Licensed
11 treatment professional” does not include an individual whose license, certificate, or
12 privilege is suspended, revoked, or voluntarily surrendered, or whose license,
13 certificate, or privilege is limited or restricted, when practicing in areas prohibited
14 by the limitation or restriction.

15 **SECTION 7.** 55.043 (1m) (a) 4. of the statutes is amended to read:

16 55.043 (1m) (a) 4. A social worker, professional counselor, or marriage and
17 family therapist ~~certified under, as those terms are defined in subch. I of ch. 457 or~~
18 ~~a professional counselor who is exercising the privilege to practice, as defined in s.~~
19 ~~457.50 (2) (s), in this state.~~

20 **SECTION 8.** 146.81 (1) (hg) of the statutes is amended to read:

21 146.81 (1) (hg) A social worker, marriage and family therapist, or professional
22 counselor ~~certified or licensed under, as those terms are defined in subch. I of ch.~~
23 ~~457 or a professional counselor who is exercising the privilege to practice, as defined~~
24 ~~in s. 457.50 (2) (s), in this state.~~

SENATE BILL 74**SECTION 9**

SECTION 9. 146.89 (1) (r) 6. of the statutes is amended to read:

146.89 (1) (r) 6. A social worker ~~who holds a certificate granted under subch. I of ch. 457,~~ as defined in s. 457.01 (10).

SECTION 10. 146.89 (1) (r) 7. of the statutes is amended to read:

146.89 (1) (r) 7. A marriage and family therapist ~~who is licensed under subch. I of ch. 457,~~ as defined in s. 457.01 (3) or a professional counselor ~~who is licensed under subch. I of ch. 457,~~ as defined in s. 457.01 (7).

SECTION 11. 146.997 (1) (d) 11. of the statutes is amended to read:

146.997 (1) (d) 11. A social worker, marriage and family therapist or professional counselor ~~certified under, as those terms are defined in subch. I of ch. 457 or a professional counselor who is exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.~~

SECTION 12. 252.14 (1) (ar) 7. of the statutes is amended to read:

252.14 (1) (ar) 7. A social worker, marriage and family therapist, or professional counselor ~~certified or licensed under, as those terms are defined in subch. I of ch. 457 or a professional counselor who is exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.~~

SECTION 13. 252.15 (1) (er) of the statutes is amended to read:

252.15 (1) (er) “Social worker” means an individual who is ~~certified or licensed as~~ a social worker, advanced practice social worker, independent social worker, or clinical social worker ~~under,~~ as those terms are defined in subch. I of ch. 457.

SECTION 14. 253.10 (2) (f) of the statutes is amended to read:

253.10 (2) (f) “Qualified person assisting the physician” means a social

SENATE BILL 74**SECTION 14**

1 ~~worker certified under subch. I of ch. 457, as defined in s. 457.01 (10),~~ a registered
2 nurse or a physician assistant to whom a physician who is to perform or induce an
3 abortion has delegated the responsibility, as the physician's agent, for providing the
4 information required under sub. (3) (c) 2.

5 **SECTION 15.** 303.08 (1) (f) of the statutes is amended to read:

6 303.08 (1) (f) Obtaining counseling or therapy from an approved public
7 treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment
8 facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a licensed
9 clinical social worker, as defined in s. 457.01 (1r), a professional counselor, as
10 defined in s. 457.01 (7), or ~~a certified~~ an independent social worker, as defined in s.
11 457.01 (2g), or an advanced practice social worker, as defined in s. 457.01 (1c), who
12 is authorized to practice psychotherapy under subch. I of ch. 457.

13 **SECTION 16.** 440.03 (11m) (c) 2v. of the statutes is created to read:

14 440.03 (11m) (c) 2v. The coordinated data system under s. 457.70 (11), if such
15 disclosure is required under the social work licensure compact under s. 457.70.

16 **SECTION 17.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

17 440.03 (13) (b) (intro.) The department may investigate whether an applicant
18 for or holder of any of the following credentials has been charged with or convicted
19 of a crime only pursuant to rules promulgated by the department under this
20 paragraph, including rules that establish the criteria that the department will use
21 to determine whether an investigation under this paragraph is necessary, except as
22 provided in par. (c) and ss. 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3.,
23 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 455.50 (3) (e)

SENATE BILL 74**SECTION 17**

1 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., 457.70 (3) (b) 4. and (7) (b) 3., and
2 459.70 (3) (b) 2.:

3 **SECTION 18.** 440.03 (13) (c) 1. id. of the statutes is created to read:

4 440.03 (13) (c) 1. id. An applicant for any category of social worker multistate
5 license under s. 457.08 (4m) when required pursuant to the social work licensure
6 compact under s. 457.70.

7 **SECTION 19.** 440.15 of the statutes is amended to read:

8 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
9 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a)
10 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 450.071 (3) (c) 9., 450.075 (3) (c) 9., 455.50 (3)
11 (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., 457.70 (3) (b) 4. and (7) (b) 3., and
12 459.70 (3) (b) 1., the department or a credentialing board may not require that an
13 applicant for a credential or a credential holder be fingerprinted or submit
14 fingerprints in connection with the department's or the credentialing board's
15 credentialing.

16 **SECTION 20.** 446.01 (1v) (m) of the statutes is amended to read:

17 446.01 (1v) (m) Marriage and family therapy, professional counseling, and
18 social work examining board under subch. I of ch. 457. "Health care professional"
19 also includes an individual who is exercising the professional counselor privilege to
20 practice, as defined in s. 457.50 (2) (s), in this state and an individual who is
21 exercising a multistate authorization to practice, as defined in s. 457.70 (2) (q),
22 under any category of social worker multistate license, as defined in s. 457.70 (2) (r),
23 in this state.

24 **SECTION 21.** 450.10 (3) (a) 10. of the statutes is amended to read:

SENATE BILL 74**SECTION 21**

1 450.10 (3) (a) 10. A social worker, marriage and family therapist, or
2 professional counselor ~~certified or licensed under, as those terms are defined in~~
3 ~~subch. I of ch. 457 or a professional counselor who is exercising the privilege to~~
4 ~~practice, as defined in s. 457.50 (2) (s), in this state.~~

5 **SECTION 22.** 457.01 (1c) of the statutes is amended to read:

6 457.01 (1c) “Advanced practice social worker” means an individual who holds
7 an advanced practice social worker certificate granted by the social worker section
8 or who is exercising a multistate authorization to practice under a master’s-
9 category multistate license.

10 **SECTION 23.** 457.01 (1r) of the statutes is amended to read:

11 457.01 (1r) “Clinical social worker” means an individual who holds a license
12 to practice clinical social work granted by the social worker section or who is
13 exercising a multistate authorization to practice under a clinical-category
14 multistate license.

15 **SECTION 24.** 457.01 (5g) of the statutes is created to read:

16 457.01 (5g) “Multistate authorization to practice” means the multistate
17 authorization to practice, as defined in s. 457.70 (2) (q), of an individual to practice
18 the appropriate category of social work in this state under a multistate license
19 granted by another state that is a party to the social work licensure compact.

20 **SECTION 25.** 457.01 (5j) of the statutes is created to read:

21 457.01 (5j) “Multistate license” has the meaning given in s. 457.70 (2) (r).

22 **SECTION 26.** 457.01 (10) of the statutes is amended to read:

23 457.01 (10) “Social worker” means an individual who holds a social worker

SENATE BILL 74**SECTION 26**

1 certificate granted by the social worker section or who is exercising a multistate
2 authorization to practice under a bachelor's-category multistate license.

3 **SECTION 27.** 457.01 (12) of the statutes is created to read:

4 457.01 (12) "Social work licensure compact" means the social work licensure
5 compact under s. 457.70.

6 **SECTION 28.** 457.02 (5) and (5m) of the statutes are amended to read:

7 457.02 (5) Authorize any individual who is certified under s. 457.08 (1),
8 457.09 (1), or 457.14 (1) (a) to (c) or who is exercising a multistate authorization to
9 practice to use the title "alcohol and drug counselor" or "chemical dependency
10 counselor" unless the individual is certified as an alcohol and drug counselor or as
11 a chemical dependency counselor through a process recognized by the department.

12 (5m) Authorize any individual who is certified under s. 457.08 (1), 457.09 (1),
13 or 457.14 (1) (a) to (c) or who is exercising a multistate authorization to practice to
14 treat substance use disorder as a specialty unless the individual is a certified
15 substance abuse counselor, clinical supervisor, or prevention specialist under s.
16 440.88, or unless the individual satisfies educational and supervised training
17 requirements established in rules promulgated by the examining board. In
18 promulgating rules under this subsection, the examining board shall consider the
19 requirements for qualifying as a certified substance abuse counselor, clinical
20 supervisor, or prevention specialist under s. 440.88.

21 **SECTION 29.** 457.03 (2) of the statutes is amended to read:

22 457.03 (2) Upon the advice of the social worker section, marriage and family
23 therapist section, and professional counselor section, promulgate rules establishing

SENATE BILL 74**SECTION 29**

1 a code of ethics to govern the professional conduct of ~~certificate~~ credential holders
2 and ~~licensees~~ individuals exercising a multistate authorization to practice. The
3 rules shall specify the services included within the practice of social work, advanced
4 practice social work, or independent social work that ~~an individual who is certified~~
5 ~~under this subchapter as~~ a social worker, advanced practice social worker, or
6 independent social worker may perform and the degree of supervision, if any,
7 required to perform those services.

8 **SECTION 30.** 457.033 of the statutes is amended to read:

9 **457.033 Psychometric testing.** The marriage and family therapy,
10 professional counseling, and social work examining board and the psychology
11 examining board shall jointly promulgate rules that specify the different levels of
12 psychometric testing that ~~an individual who is certified or licensed under this~~
13 ~~subchapter~~ a credential holder, or an individual who ~~holds a valid professional~~
14 ~~counselor privilege to practice in this state~~ is exercising a multistate authorization
15 to practice, is qualified to perform. Such rules shall be consistent with the
16 guidelines of the American Psychological Association, or other nationally
17 recognized guidelines, for performing psychometric testing. A ~~certificate~~ credential
18 ~~holder, licensee, or holder of a professional counselor privilege~~ or individual who is
19 exercising a multistate authorization to practice may not engage in psychometric
20 testing except as provided under the rules promulgated under this section.

21 **SECTION 31.** 457.035 (2) of the statutes is amended to read:

22 457.035 (2) The individual is ~~certified as~~ an advanced practice social worker
23 or independent social worker and ~~the individual~~ engages in psychotherapy only
24 under the supervision of an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

SENATE BILL 74**SECTION 32**

SECTION 32. 457.04 (1) of the statutes is amended to read:

457.04 (1) Use the title “social worker” unless the person is certified as a social worker under this subchapter or holds a bachelor’s-category multistate license granted in another state that is a party to the social work licensure compact.

SECTION 33. 457.04 (2) of the statutes is amended to read:

457.04 (2) Use the title “advanced practice social worker” unless the person is certified as an advanced practice social worker under this subchapter or holds a master’s-category multistate license granted in another state that is a party to the social work licensure compact.

SECTION 34. 457.04 (4) of the statutes is amended to read:

457.04 (4) Practice clinical social work or designate himself or herself as a clinical social worker or use or assume the title “clinical social worker” or any other title or designation that represents or may tend to represent the person as a clinical social worker unless the person is licensed as a clinical social worker under this subchapter or holds a clinical-category multistate license granted in another state that is a party to the social work licensure compact or unless the person is certified under this subchapter as an advanced practice social worker or independent social worker or holds a master’s-category multistate license granted in another state that is a party to the social work licensure compact, and the person practices clinical social work under the supervision of a ~~person who is licensed as a~~ clinical social worker ~~under this subchapter.~~

SECTION 35. 457.04 (7) of the statutes is amended to read:

457.04 (7) Practice psychotherapy ~~unless the person is licensed under this subchapter, holds a valid professional counselor privilege to practice in this state, or~~

SENATE BILL 74**SECTION 35**

1 ~~is a certificate holder who may practice psychotherapy under~~ except in accordance
2 with the rules promulgated under ss. 457.03 and 457.035.

3 **SECTION 36.** 457.08 (4m) of the statutes is created to read:

4 457.08 (4m) MULTISTATE SOCIAL WORK LICENSES. (a) The social worker
5 section shall grant a clinical-category multistate license to any of the following:

6 1. An individual who holds or is eligible for a clinical social worker license
7 under sub. (4), satisfies the requirements under s. 457.70 (4) (a) and (b), and pays
8 the fee specified in s. 440.05 (1).

9 2. An individual who holds a clinical-category multistate license in another
10 state that is a party to the social work licensure compact, has changed his or her
11 state of primary domicile to this state, satisfies the requirements under s. 457.70 (7)
12 (b), and pays the fee specified in s. 440.05 (1).

13 (b) The social worker section shall grant a master's-category multistate
14 license to any of the following:

15 1. An individual who holds or is eligible for an advanced practice social worker
16 certificate under sub. (2), satisfies the requirements under s. 457.70 (4) (a) and (c),
17 and pays the fee specified in s. 440.05 (1).

18 2. An individual who holds a master's-category multistate license in another
19 state that is a party to the social work licensure compact, has changed his or her
20 state of primary domicile to this state, satisfies the requirements under s. 457.70 (7)
21 (b), and pays the fee specified in s. 440.05 (1).

22 (c) The social worker section shall grant a bachelor's-category multistate
23 license to any of the following:

SENATE BILL 74**SECTION 36**

1 1. An individual who holds or is eligible for a social worker certificate under
2 sub. (1), satisfies the requirements under s. 457.70 (4) (a) and (d), and pays the fee
3 specified in s. 440.05 (1).

4 2. An individual who holds a bachelor's-category multistate license in another
5 state that is a party to the social work licensure compact, has changed his or her
6 state of primary domicile to this state, satisfies the requirements under s. 457.70 (7)
7 (b), and pays the fee specified in s. 440.05 (1).

8 **SECTION 37.** 457.09 (4) (b) 1. of the statutes is amended to read:

9 457.09 (4) (b) 1. A human services internship that involves direct practice
10 with clients and that is supervised by a social worker ~~certified under this~~
11 ~~subchapter~~ who has a bachelor's or master's degree in social work.

12 **SECTION 38.** 457.09 (4) (b) 2. of the statutes is amended to read:

13 457.09 (4) (b) 2. One year of social work employment that involves direct
14 practice with clients and that is supervised by a social worker ~~certified under this~~
15 ~~subchapter~~ who has a bachelor's or master's degree in social work.

16 **SECTION 39.** 457.24 (1) of the statutes is amended to read:

17 457.24 (1) Except as provided in sub. (2), a ~~person licensed as a~~ clinical social
18 worker, marriage and family therapist, or professional counselor ~~under this~~
19 ~~subchapter or who is exercising the professional counselor privilege to practice in~~
20 ~~this state~~ may not practice clinical social work, marriage and family therapy, or
21 professional counseling unless he or she has in effect professional liability
22 insurance. The examining board shall promulgate rules establishing the minimum
23 amount of insurance required under this subsection.

24 **SECTION 40.** 457.25 (1) of the statutes is renumbered 457.25 (1r).

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1 **SECTION 41.** 457.25 (1g) of the statutes is created to read:

2 457.25 **(1g)** In this section, “credential holder” includes an individual
3 practicing under a multistate authorization to practice.

4 **SECTION 42.** 457.26 (2) (intro.) of the statutes is amended to read:

457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may reprimand a credential holder or an individual practicing under a multistate authorization to practice or deny, limit, suspend, or revoke a credential under this subchapter or a multistate authorization to practice if it finds that the ~~applicant or~~ credential holder or individual has done any of the following:

11 **SECTION 43.** Subchapter III of chapter 457 [precedes 457.70] of the statutes is
12 created to read:

13 CHAPTER 457

14 SUBCHAPTER III

15 SOCIAL WORK LICENSURE COMPACT

16 **457.70 Social work licensure compact.** (1) PURPOSE. The purpose of this
17 compact is to facilitate interstate practice of regulated social workers by improving
18 public access to competent social work services. The compact preserves the
19 regulatory authority of states to protect public health and safety through the
20 current system of state licensure. This compact is designed to achieve the following
21 objectives:

22 (a) Increase public access to social work services;

(b) Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

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1 (c) Enhance the member states' ability to protect the public's health and
2 safety;

3 (d) Encourage the cooperation of member states in regulating multistate
4 practice;

5 (e) Promote mobility and address workforce shortages by eliminating the
6 necessity for licenses in multiple states by providing for the mutual recognition of
7 other member state licenses;

8 (f) Support military families;

9 (g) Facilitate the exchange of licensure and disciplinary information among
10 member states;

11 (h) Authorize all member states to hold a regulated social worker accountable
12 for abiding by a member state's laws, regulations, and applicable professional
13 standards in the member state in which the client is located at the time care is
14 rendered; and

15 (i) Allow for the use of telehealth to facilitate increased access to regulated
16 social work services.

17 **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided,
18 the following definitions shall apply:

19 (a) "Active military member" means any individual with full-time duty status
20 in the active armed forces of the United States including members of the national
21 guard and reserve.

22 (b) "Adverse action" means any administrative, civil, equitable or criminal
23 action permitted by a state's laws which is imposed by a licensing authority or other

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1 authority against a regulated social worker, including actions against an
2 individual's license or multistate authorization to practice such as revocation,
3 suspension, probation, monitoring of the licensee, limitation on the licensee's
4 practice, or any other encumbrance on licensure affecting a regulated social
5 worker's authorization to practice, including issuance of a cease and desist action.

6 (c) "Alternative program" means a nondisciplinary monitoring or practice
7 remediation process approved by a licensing authority to address practitioners with
8 an impairment.

9 (d) "Charter member states" means member states who have enacted
10 legislation to adopt this compact where such legislation predates the effective date
11 of this compact as described in sub. (14).

12 (e) "Compact commission" or "commission" means the government agency
13 whose membership consists of all states that have enacted this compact, which is
14 known as the social work licensure compact commission, as described in sub. (10),
15 and which shall operate as an instrumentality of the member states.

16 (f) "Current significant investigative information" means:

17 1. Investigative information that a licensing authority, after a preliminary
18 inquiry that includes notification and an opportunity for the regulated social
19 worker to respond has reason to believe is not groundless and, if proved true, would
20 indicate more than a minor infraction as may be defined by the commission; or

21 2. Investigative information that indicates that the regulated social worker
22 represents an immediate threat to public health and safety, as may be defined by

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1 the commission, regardless of whether the regulated social worker has been notified
2 and has had an opportunity to respond.

3 (g) "Data system" means a repository of information about licensees,
4 including, continuing education, examination, licensure, current significant
5 investigative information, disqualifying event, multistate license(s) and adverse
6 action information or other information as required by the commission.

7 (h) "Disqualifying event" means any adverse action or incident which results
8 in an encumbrance that disqualifies or makes the licensee ineligible to either
9 obtain, retain or renew a multistate license.

10 (i) "Domicile" means the jurisdiction in which the licensee resides and
11 intends to remain indefinitely.

12 (j) "Encumbrance" means a revocation or suspension of, or any limitation on,
13 the full and unrestricted practice of social work licensed and regulated by a
14 licensing authority.

15 (k) "Executive committee" means a group of delegates elected or appointed to
16 act on behalf of, and within the powers granted to them by, the compact and
17 commission.

18 (L) "Home state" means the member state that is the licensee's primary
19 domicile.

20 (m) "Impairment" means a condition(s) that may impair a practitioner's
21 ability to engage in full and unrestricted practice as a regulated social worker
22 without some type of intervention and may include alcohol and drug dependence,
23 mental health impairment, and neurological or physical impairments.

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1 (n) “Licensee(s)” means an individual who currently holds a license from a
2 state to practice as a regulated social worker.

3 (o) “Licensing authority” means the board or agency of a member state, or
4 equivalent, that is responsible for the licensing and regulation of regulated social
5 workers.

6 (p) “Member state” means a state, commonwealth, district, or territory of the
7 United States of America that has enacted this compact.

8 (q) “Multistate authorization to practice” means a legally authorized privilege
9 to practice, which is equivalent to a license, associated with a multistate license
10 permitting the practice of social work in a remote state.

11 (r) “Multistate license” means a license to practice as a regulated social
12 worker issued by a home state licensing authority that authorizes the regulated
13 social worker to practice in all member states under multistate authorization to
14 practice.

15 (s) “Qualifying national exam” means a national licensing examination
16 approved by the commission.

17 (t) “Regulated social worker” means any clinical, master’s or bachelor’s social
18 worker licensed by a member state regardless of the title used by that member
19 state.

20 (u) “Remote state” means a member state other than the licensee’s home
21 state.

22 (v) “Rule(s)” or “rule(s) of the commission” means a regulation or regulations

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1 duly promulgated by the commission, as authorized by the compact, that has the
2 force of law.

3 (w) "Single state license" means a social work license issued by any state that
4 authorizes practice only within the issuing state and does not include multistate
5 authorization to practice in any member state.

6 (x) "Social work" or "social work services" means the application of social
7 work theory, knowledge, methods, ethics, and the professional use of self to restore
8 or enhance social, psychosocial, or biopsychosocial functioning of individuals,
9 couples, families, groups, organizations, and communities through the care and
10 services provided by a regulated social worker as set forth in the member state's
11 statutes and regulations in the state where the services are being provided.

12 (y) "State" means any state, commonwealth, district, or territory of the
13 United States of America that regulates the practice of social work.

14 (z) "Unencumbered license" means a license that authorizes a regulated
15 social worker to engage in the full and unrestricted practice of social work.

16 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To be eligible to participate in
17 the compact, a potential member state must currently meet all of the following
18 criteria:

19 1. License and regulate the practice of social work at either the clinical,
20 master's, or bachelor's category.

21 2. Require applicants for licensure to graduate from a program that is:

22 a. Operated by a college or university recognized by the licensing authority;

23 b. Accredited, or in candidacy by an institution that subsequently becomes

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1 accredited, by an accrediting agency recognized by either the Council for Higher
2 Education Accreditation, or its successor; or the United States department of
3 education; and

4 c. Corresponds to the licensure sought as outlined in sub. (4).

5 3. Require applicants for clinical licensure to complete a period of supervised
6 practice.

7 4. Have a mechanism in place for receiving, investigating, and adjudicating
8 complaints about licensees.

9 (b) To maintain membership in the compact a member state shall:

10 1. Require that applicants for a multistate license pass a qualifying national
11 exam for the corresponding category of multistate license sought as outlined in sub.
12 (4).

13 2. Participate fully in the commission's data system, including using the
14 commission's unique identifier as defined in rules;

15 3. Notify the commission, in compliance with the terms of the compact and
16 rules, of any adverse action or the availability of current significant investigative
17 information regarding a licensee;

18 4. Implement procedures for considering the criminal history records of
19 applicants for a multistate license. Such procedures shall include the submission of
20 fingerprints or other biometric-based information by applicants for the purpose of
21 obtaining an applicant's criminal history record information from the federal
22 bureau of investigation and the agency responsible for retaining that state's
23 criminal records.

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1 5. Comply with the rules of the commission;

2 6. Require an applicant to obtain or retain a license in the home state and
3 meet the home state's qualifications for licensure or renewal of licensure, as well as
4 all other applicable home state laws;

5 7. Authorize a licensee holding a multistate license in any member state to
6 practice in accordance with the terms of the compact and rules of the commission;
7 and

8 8. Designate a delegate to participate in the commission meetings.

9 (c) A member state meeting the requirements of pars. (a) and (b) shall
10 designate the categories of social work licensure that are eligible for issuance of a
11 multistate license for applicants in such member state. To the extent that any
12 member state does not meet the requirements for participation in the compact at
13 any particular category of social work licensure, such member state may choose, but
14 is not obligated to, issue a multistate license to applicants that otherwise meet the
15 requirements of sub. (4) for issuance of a multistate license in such category or
16 categories of licensure.

17 (d) The home state may charge a fee for granting the multistate license.

18 (4) SOCIAL WORKER PARTICIPATION IN THE COMPACT. (a) To be eligible for a
19 multistate license under the terms and provisions of the compact, an applicant,
20 regardless of category must:

21 1. Hold or be eligible for an active, unencumbered license in the home state;

22 2. Pay any applicable fees, including any state fee, for the multistate license;

23 3. Submit, in connection with an application for a multistate license,

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1 fingerprints or other biometric data for the purpose of obtaining criminal history
2 record information from the federal bureau of investigation and the agency
3 responsible for retaining that state's criminal records.

4 4. Notify the home state of any adverse action, encumbrance, or restriction on
5 any professional license taken by any member state or nonmember state within 30
6 days from the date the action is taken.

7 5. Meet any continuing competence requirements established by the home
8 state;

9 6. Abide by the laws, regulations, and applicable standards in the member
10 state where the client is located at the time care is rendered.

11 (b) An applicant for a clinical-category multistate license must meet all of the
12 following requirements:

13 1. Fulfill a competency requirement, which shall be satisfied by either:

14 a. Passage of a clinical-category qualifying national exam; or

15 b. Licensure of the applicant in their home state at the clinical category,
16 beginning prior to such time as a qualifying national exam was required by the
17 home state and accompanied by a period of continuous social work licensure
18 thereafter, all of which may be further governed by the rules of the commission; or

19 c. The substantial equivalency of the foregoing competency requirements
20 which the commission may determine by rule.

21 2 Attain at least a master's degree in social work from a program that is:

22 a. Operated by a college or university recognized by the licensing authority;

23 and

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1 b. Accredited, or in candidacy that subsequently becomes accredited, by an
2 accrediting agency recognized by either the Council for Higher Education
3 Accreditation or its successor; or the United States department of education.

4 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
5 completion of either:

6 a. A period of postgraduate supervised clinical practice equal to a minimum of
7 3,000 hours; or

8 b. A minimum of 2 years of full-time postgraduate supervised clinical
9 practice; or

10 c. The substantial equivalency of the foregoing practice requirements which
11 the commission may determine by rule.

12 (c) An applicant for a master's-category multistate license must meet all of
13 the following requirements:

14 1. Fulfill a competency requirement, which shall be satisfied by either:

15 a. Passage of a masters-category qualifying national exam;

16 b. Licensure of the applicant in their home state at the master's category,
17 beginning prior to such time as a qualifying national exam was required by the
18 home state at the master's category and accompanied by a continuous period of
19 social work licensure thereafter, all of which may be further governed by the rules of
20 the commission; or

21 c. The substantial equivalency of the foregoing competency requirements
22 which the commission may determine by rule.

23 2. Attain at least a master's degree in social work from a program that is:

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1 a. Operated by a college or university recognized by the licensing authority;

2 and

3 b. Accredited, or in candidacy that subsequently becomes accredited, by an
4 accrediting agency recognized by either the Council for Higher Education
5 Accreditation or its successor; or the United States department of education.

6 (d) An applicant for a bachelor's-category multistate license must meet all of
7 the following requirements:

8 1. Fulfill a competency requirement, which shall be satisfied by either:

9 a. Passage of a bachelor's-category qualifying national exam;

10 b. Licensure of the applicant in their home state at the bachelor's category,
11 beginning prior to such time as a qualifying national exam was required by the
12 home state and accompanied by a period of continuous social work licensure
13 thereafter, all of which may be further governed by the rules of the commission; or

14 c. The substantial equivalency of the foregoing competency requirements
15 which the commission may determine by rule.

16 2. Attain at least a bachelor's degree in social work from a program that is:

17 a. Operated by a college or university recognized by the licensing authority;

18 and

19 b. Accredited, or in candidacy that subsequently becomes accredited, by an
20 accrediting agency recognized by either the Council for Higher Education
21 Accreditation or its successor; or the United States department of education.

22 (e) The multistate license for a regulated social worker is subject to the
23 renewal requirements of the home state. The regulated social worker must

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1 maintain compliance with the requirements of par. (a) to be eligible to renew a
2 multistate license.

3 (f) The regulated social worker's services in a remote state are subject to that
4 member state's regulatory authority. A remote state may, in accordance with due
5 process and that member state's laws, remove a regulated social worker's
6 multistate authorization to practice in the remote state for a specific period of time,
7 impose fines, and take any other necessary actions to protect the health and safety
8 of its citizens.

9 (g) If a multistate license is encumbered, the regulated social worker's
10 multistate authorization to practice shall be deactivated in all remote states until
11 the multistate license is no longer encumbered.

12 (h) If a multistate authorization to practice is encumbered in a remote state,
13 the regulated social worker's multistate authorization to practice may be
14 deactivated in that state until the multistate authorization to practice is no longer
15 encumbered.

16 **(5) ISSUANCE OF A MULTISTATE LICENSE.** (a) Upon receipt of an application for
17 multistate license, the home state licensing authority shall determine the
18 applicant's eligibility for a multistate license in accordance with sub. (4).

19 (b) If such applicant is eligible pursuant to sub. (4), the home state licensing
20 authority shall issue a multistate license that authorizes the applicant or regulated
21 social worker to practice in all member states under a multistate authorization to
22 practice.

23 (c) Upon issuance of a multistate license, the home state licensing authority

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1 shall designate whether the regulated social worker holds a multistate license in
2 the bachelor's, master's, or clinical category of social work.

3 (d) A multistate license issued by a home state to a resident in that state shall
4 be recognized by all compact member states as authorizing social work practice
5 under a multistate authorization to practice corresponding to each category of
6 licensure regulated in each member state.

7 **(6) AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE**
8 **LICENSING AUTHORITIES.** (a) Nothing in this compact, nor any rule of the
9 commission, shall be construed to limit, restrict, or in any way reduce the ability of
10 a member state to enact and enforce laws, regulations, or other rules related to the
11 practice of social work in that state, where those laws, regulations, or other rules
12 are not inconsistent with the provisions of this compact.

13 (b) Nothing in this compact shall affect the requirements established by a
14 member state for the issuance of a single state license.

15 (c) Nothing in this compact, nor any rule of the commission, shall be construed
16 to limit, restrict, or in any way reduce the ability of a member state to take adverse
17 action against a licensee's single state license to practice social work in that state.

18 (d) Nothing in this compact, nor any rule of the commission, shall be
19 construed to limit, restrict, or in any way reduce the ability of a remote state to take
20 adverse action against a licensee's multistate authorization to practice in that
21 state.

22 (e) Nothing in this compact, nor any rule of the commission, shall be
23 construed to limit, restrict, or in any way reduce the ability of a licensee's home

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1 state to take adverse action against a licensee's multistate license based upon
2 information provided by a remote state.

3 (7) REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE. (a) A
4 licensee can hold a multistate license, issued by their home state, in only one
5 member state at any given time.

6 (b) If a licensee changes their home state by moving between 2 member states:
7 1. The licensee shall immediately apply for the reissuance of their multistate
8 license in their new home state. The licensee shall pay all applicable fees and notify
9 the prior home state in accordance with the rules of the commission.

10 2. Upon receipt of an application to reissue a multistate license, the new home
11 state shall verify that the multistate license is active, unencumbered and eligible
12 for reissuance under the terms of the compact and the rules of the commission. The
13 multistate license issued by the prior home state will be deactivated and all
14 member states notified in accordance with the applicable rules adopted by the
15 commission.

16 3. Prior to the reissuance of the multistate license, the new home state shall
17 conduct procedures for considering the criminal history records of the licensee.
18 Such procedures shall include the submission of fingerprints or other biometric-
19 based information by applicants for the purpose of obtaining an applicant's
20 criminal history record information from the federal bureau of investigation and the
21 agency responsible for retaining that state's criminal records.

22 4. If required for initial licensure, the new home state may require completion
23 of jurisprudence requirements in the new home state.

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1 5. Notwithstanding any other provision of this compact, if a licensee does not
2 meet the requirements set forth in this compact for the reissuance of a multistate
3 license by the new home state, then the licensee shall be subject to the new home
4 state requirements for the issuance of a single state license in that state.

5 (c) If a licensee changes their primary state of residence by moving from a
6 member state to a nonmember state, or from a nonmember state to a member state,
7 then the licensee shall be subject to the state requirements for the issuance of a
8 single state license in the new home state.

9 (d) Nothing in this compact shall interfere with a licensee's ability to hold a
10 single state license in multiple states; however, for the purposes of this compact, a
11 licensee shall have only one home state, and only one multistate license.

12 (e) Nothing in this compact shall interfere with the requirements established
13 by a member state for the issuance of a single state license.

14 **(8) MILITARY FAMILIES.** An active military member or their spouse shall
15 designate a home state where the individual has a multistate license. The
16 individual may retain their home state designation during the period the service
17 member is on active duty.

18 **(9) ADVERSE ACTIONS.** (a) In addition to the other powers conferred by state
19 law, a remote state shall have the authority, in accordance with existing state due
20 process law, to:

21 1. Take adverse action against a regulated social worker's multistate
22 authorization to practice only within that member state, and issue subpoenas for
23 both hearings and investigations that require the attendance and testimony of

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1 witnesses as well as the production of evidence. Subpoenas issued by a licensing
2 authority in a member state for the attendance and testimony of witnesses or the
3 production of evidence from another member state shall be enforced in the latter
4 state by any court of competent jurisdiction, according to the practice and procedure
5 of that court applicable to subpoenas issued in proceedings pending before it. The
6 issuing licensing authority shall pay any witness fees, travel expenses, mileage, and
7 other fees required by the service statutes of the state in which the witnesses or
8 evidence are located.

9 2. Only the home state shall have the power to take adverse action against a
10 regulated social worker's multistate license.

11 (b) For purposes of taking adverse action, the home state shall give the same
12 priority and effect to reported conduct received from a member state as it would if
13 the conduct had occurred within the home state. In so doing, the home state shall
14 apply its own state laws to determine appropriate action.

15 (c) The home state shall complete any pending investigations of a regulated
16 social worker who changes their home state during the course of the investigations.
17 The home state shall also have the authority to take appropriate action(s) and shall
18 promptly report the conclusions of the investigations to the administrator of the
19 data system. The administrator of the data system shall promptly notify the new
20 home state of any adverse actions.

21 (d) A member state, if otherwise permitted by state law, may recover from the
22 affected regulated social worker the costs of investigations and dispositions of cases
23 resulting from any adverse action taken against that regulated social worker.

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1 (e) A member state may take adverse action based on the factual findings of
2 another member state, provided that the member state follows its own procedures
3 for taking the adverse action.

4 (f) *Joint investigations.* 1. In addition to the authority granted to a member
5 state by its respective social work practice act or other applicable state law, any
6 member state may participate with other member states in joint investigations of
7 licensees.

8 2. Member states shall share any investigative, litigation, or compliance
9 materials in furtherance of any joint or individual investigation initiated under the
10 compact.

11 (g) If adverse action is taken by the home state against the multistate license
12 of a regulated social worker, the regulated social worker's multistate authorization
13 to practice in all other member states shall be deactivated until all encumbrances
14 have been removed from the multistate license. All home state disciplinary orders
15 that impose adverse action against the license of a regulated social worker shall
16 include a statement that the regulated social worker's multistate authorization to
17 practice is deactivated in all member states until all conditions of the decision,
18 order or agreement are satisfied.

19 (h) If a member state takes adverse action, it shall promptly notify the
20 administrator of the data system. The administrator of the data system shall
21 promptly notify the home state and all other member states of any adverse actions
22 by remote states.

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1 (i) Nothing in this compact shall override a member state's decision that
2 participation in an alternative program may be used in lieu of adverse action.

3 (j) Nothing in this compact shall authorize a member state to demand the
4 issuance of subpoenas for attendance and testimony of witnesses or the production
5 of evidence from another member state for lawful actions within that member state.

6 (k) Nothing in this compact shall authorize a member state to impose
7 discipline against a regulated social worker who holds a multistate authorization to
8 practice for lawful actions within another member state.

9 **(10) ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION.** (a)
10 The compact member states hereby create and establish a joint government agency
11 whose membership consists of all member states that have enacted the compact
12 known as the social work licensure compact commission. The commission is an
13 instrumentality of the compact states acting jointly and not an instrumentality of
14 any one state. The commission shall come into existence on or after the effective
15 date of the compact as set forth in sub. (14).

16 (b) *Membership, voting, and meetings.* 1. Each member state shall have and
17 be limited to one delegate selected by that member state's state licensing authority.

18 2. The delegate shall be either:

19 a. A current member of the state licensing authority at the time of
20 appointment, who is a regulated social worker or public member of the state
21 licensing authority; or

22 b. An administrator of the state licensing authority or their designee.

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1 3. The commission shall by rule or bylaw establish a term of office for
2 delegates and may by rule or bylaw establish term limits.

3 4. The commission may recommend removal or suspension any delegate from
4 office.

5 5. A member state's state licensing authority shall fill any vacancy of its
6 delegate occurring on the commission within 60 days of the vacancy.

7 6. Each delegate shall be entitled to one vote on all matters before the
8 commission requiring a vote by commission delegates.

9 7. A delegate shall vote in person or by such other means as provided in the
10 bylaws. The bylaws may provide for delegates to meet by telecommunication,
11 videoconference, or other means of communication.

12 8. The commission shall meet at least once during each calendar year.
13 Additional meetings may be held as set forth in the bylaws. The commission may
14 meet by telecommunication, video conference or other similar electronic means.

15 (c) The commission shall have the following powers:

16 1. Establish the fiscal year of the commission;

17 2. Establish code of conduct and conflict of interest policies;

18 3. Establish and amend rules and bylaws;

19 4. Maintain its financial records in accordance with the bylaws;

20 5. Meet and take such actions as are consistent with the provisions of this
21 compact, the commission's rules, and the bylaws;

22 6. Initiate and conclude legal proceedings or actions in the name of the

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1 commission, provided that the standing of any state licensing board to sue or be
2 sued under applicable law shall not be affected;

3 7. Maintain and certify records and information provided to a member state
4 as the authenticated business records of the commission, and designate an agent to
5 do so on the commission's behalf;

6 8. Purchase and maintain insurance and bonds;

7 9. Borrow, accept, or contract for services of personnel, including, but not
8 limited to, employees of a member state;

9 10. Conduct an annual financial review;

10 11. Hire employees, elect or appoint officers, fix compensation, define duties,
11 grant such individuals appropriate authority to carry out the purposes of the
12 compact, and establish the commission's personnel policies and programs relating
13 to conflicts of interest, qualifications of personnel, and other related personnel
14 matters;

15 12. Assess and collect fees;

16 13. Accept any and all appropriate gifts, donations, grants of money, other
17 sources of revenue, equipment, supplies, materials, and services, and receive,
18 utilize, and dispose of the same; provided that at all times the commission shall
19 avoid any appearance of impropriety or conflict of interest;

20 14. Lease, purchase, retain, own, hold, improve, or use any property, real,
21 personal, or mixed, or any undivided interest therein;

22 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
23 dispose of any property real, personal, or mixed;

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1 16. Establish a budget and make expenditures;

2 17. Borrow money;

3 18. Appoint committees, including standing committees, composed of
4 members, state regulators, state legislators or their representatives, and consumer
5 representatives, and such other interested persons as may be designated in this
6 compact and the bylaws;

7 19. Provide and receive information from, and cooperate with, law
8 enforcement agencies;

9 20. Establish and elect an executive committee, including a chair and a vice
10 chair;

11 21. Determine whether a state's adopted language is materially different from
12 the model compact language such that the state would not qualify for participation
13 in the compact; and

14 22. Perform such other functions as may be necessary or appropriate to
15 achieve the purposes of this compact.

16 (d) *The executive committee.* 1. The executive committee shall have the power
17 to act on behalf of the commission according to the terms of this compact. The
18 powers, duties, and responsibilities of the executive committee shall include:

19 a. Oversee the day-to-day activities of the administration of the compact
20 including enforcement and compliance with the provisions of the compact, its rules
21 and bylaws, and other such duties as deemed necessary;

22 b. Recommend to the commission changes to the rules or bylaws, changes to

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1 this compact legislation, fees charged to compact member states, fees charged to
2 licensees, and other fees;

3 c. Ensure compact administration services are appropriately provided,
4 including by contract;

5 d. Prepare and recommend the budget;

6 e. Maintain financial records on behalf of the commission;

7 f. Monitor compact compliance of member states and provide compliance
8 reports to the commission;

9 g. Establish additional committees as necessary;

10 h. Exercise the powers and duties of the commission during the interim
11 between commission meetings, except for adopting or amending rules, adopting or
12 amending bylaws, and exercising any other powers and duties expressly reserved to
13 the commission by rule or bylaw; and

14 i. Other duties as provided in the rules or bylaws of the commission.

15 2. The executive committee shall be composed of up to 11 members:

16 a. The chair and vice chair of the commission shall be voting members of the
17 executive committee; and

18 b. The commission shall elect 5 voting members from the current membership
19 of the commission.

20 c. Up to 4 ex officio, nonvoting members from 4 recognized national social
21 work organizations.

22 d. The ex officio members will be selected by their respective organizations.

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1 3. The commission may remove any member of the executive committee as
2 provided in the commission's bylaws.

3 4. The executive committee shall meet at least annually.

4 a. Executive committee meetings shall be open to the public, except that the
5 executive committee may meet in a closed, nonpublic meeting as provided in par. (f)
6 2. below.

7 b. The executive committee shall give 7 days' notice of its meetings, posted on
8 its website and as determined to provide notice to persons with an interest in the
9 business of the commission.

10 c. The executive committee may hold a special meeting in accordance with
11 par. (f) 1. b. below.

12 (e) The commission shall adopt and provide to the member states an annual
13 report.

14 (f) *Meetings of the commission.* 1. All meetings shall be open to the public,
15 except that the commission may meet in a closed, nonpublic meeting as provided in
16 subd. 2. below.

17 a. Public notice for all meetings of the full commission of meetings shall be
18 given in the same manner as required under the rule-making provisions in sub.
19 (12), except that the commission may hold a special meeting as provided in subd. 1.
20 b. below.

21 b. The commission may hold a special meeting when it must meet to conduct
22 emergency business by giving 48 hours' notice to all commissioners, on the
23 commission's website, and other means as provided in the commission's rules. The

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1 commission's legal counsel shall certify that the commission's need to meet
2 qualifies as an emergency.

3 2. The commission or the executive committee or other committees of the
4 commission may convene in a closed, nonpublic meeting for the commission or
5 executive committee or other committees of the commission to receive legal advice
6 or to discuss:

7 a. Noncompliance of a member state with its obligations under the compact;

8 b. The employment, compensation, discipline or other matters, practices or
9 procedures related to specific employees;

10 c. Current or threatened discipline of a licensee by the commission or by a
11 member state's licensing authority;

12 d. Current, threatened, or reasonably anticipated litigation;

13 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
14 real estate;

15 f. Accusing any person of a crime or formally censuring any person;

16 g. Trade secrets or commercial or financial information that is privileged or
17 confidential;

18 h. Information of a personal nature where disclosure would constitute a
19 clearly unwarranted invasion of personal privacy;

20 i. Investigative records compiled for law enforcement purposes;

21 j. Information related to any investigative reports prepared by or on behalf of
22 or for use of the commission or other committee charged with responsibility of
23 investigation or determination of compliance issues pursuant to the compact;

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1 k. Matters specifically exempted from disclosure by federal or member state
2 law; or

3 L. Other matters as promulgated by the commission by rule.

4 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall
5 state that the meeting will be closed and reference each relevant exempting
6 provision, and such reference shall be recorded in the minutes.

7 4. The commission shall keep minutes that fully and clearly describe all
8 matters discussed in a meeting and shall provide a full and accurate summary of
9 actions taken, and the reasons therefore, including a description of the views
10 expressed. All documents considered in connection with an action shall be
11 identified in such minutes. All minutes and documents of a closed meeting shall
12 remain under seal, subject to release only by a majority vote of the commission or
13 order of a court of competent jurisdiction.

14 (g) *Financing of the commission.* 1. The commission shall pay, or provide for
15 the payment of, the reasonable expenses of its establishment, organization, and
16 ongoing activities.

17 2. The commission may accept any and all appropriate revenue sources as
18 provided in par. (c) 13.

19 3. The commission may levy on and collect an annual assessment from each
20 member state and impose fees on licensees of member states to whom it grants a
21 multistate license to cover the cost of the operations and activities of the
22 commission and its staff, which must be in a total amount sufficient to cover its
23 annual budget as approved each year for which revenue is not provided by other

SENATE BILL 74**SECTION 43**

1 sources. The aggregate annual assessment amount for member states shall be
2 allocated based upon a formula that the commission shall promulgate by rule.

3 4. The commission shall not incur obligations of any kind prior to securing the
4 funds adequate to meet the same; nor shall the commission pledge the credit of any
5 of the member states, except by and with the authority of the member state.

6 5. The commission shall keep accurate accounts of all receipts and
7 disbursements. The receipts and disbursements of the commission shall be subject
8 to the financial review and accounting procedures established under its bylaws.
9 However, all receipts and disbursements of funds handled by the commission shall
10 be subject to an annual financial review by a certified or licensed public accountant,
11 and the report of the financial review shall be included in and become part of the
12 annual report of the commission.

13 (h) *Qualified immunity, defense, and indemnification.* 1. The members,
14 officers, executive director, employees and representatives of the commission shall
15 be immune from suit and liability, both personally and in their official capacity, for
16 any claim for damage to or loss of property or personal injury or other civil liability
17 caused by or arising out of any actual or alleged act, error, or omission that
18 occurred, or that the person against whom the claim is made had a reasonable basis
19 for believing occurred within the scope of commission employment, duties or
20 responsibilities; provided that nothing in this subdivision shall be construed to
21 protect any such person from suit or liability for any damage, loss, injury, or liability
22 caused by the intentional or willful or wanton misconduct of that person. The

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1 procurement of insurance of any type by the commission shall not in any way
2 compromise or limit the immunity granted hereunder.

3 2. The commission shall defend any member, officer, executive director,
4 employee, and representative of the commission in any civil action seeking to
5 impose liability arising out of any actual or alleged act, error, or omission that
6 occurred within the scope of commission employment, duties, or responsibilities, or
7 as determined by the commission that the person against whom the claim is made
8 had a reasonable basis for believing occurred within the scope of commission
9 employment, duties, or responsibilities; provided that nothing herein shall be
10 construed to prohibit that person from retaining their own counsel at their own
11 expense; and provided further, that the actual or alleged act, error, or omission did
12 not result from that person's intentional or willful or wanton misconduct.

13 3. The commission shall indemnify and hold harmless any member, officer,
14 executive director, employee, and representative of the commission for the amount
15 of any settlement or judgment obtained against that person arising out of any
16 actual or alleged act, error, or omission that occurred within the scope of
17 commission employment, duties, or responsibilities, or that such person had a
18 reasonable basis for believing occurred within the scope of commission
19 employment, duties, or responsibilities, provided that the actual or alleged act,
20 error, or omission did not result from the intentional or willful or wanton
21 misconduct of that person.

22 4. Nothing herein shall be construed as a limitation on the liability of any

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1 licensee for professional malpractice or misconduct, which shall be governed solely
2 by any other applicable state laws.

3 5. Nothing in this compact shall be interpreted to waive or otherwise abrogate
4 a member state's state action immunity or state action affirmative defense with
5 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state
6 or federal antitrust or anticompetitive law or regulation.

7 6. Nothing in this compact shall be construed to be a waiver of sovereign
8 immunity by the member states or by the commission.

9 (11) DATA SYSTEM. (a) The commission shall provide for the development,
10 maintenance, operation, and utilization of a coordinated data system.

11 (b) The commission shall assign each applicant for a multistate license a
12 unique identifier, as determined by the rules of the commission.

13 (c) Notwithstanding any other provision of state law to the contrary, a
14 member state shall submit a uniform data set to the data system on all individuals
15 to whom this compact is applicable as required by the rules of the commission,
16 including:

17 1. Identifying information;

18 2. Licensure data;

19 3. Adverse actions against a license and information related thereto;

20 4. Nonconfidential information related to alternative program participation,
21 the beginning and ending dates of such participation, and other information related
22 to such participation not made confidential under member state law;

23 5. Any denial of application for licensure, and the reason(s) for such denial;

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1 6. The presence of current significant investigative information; and

2 7. Other information that may facilitate the administration of this compact or
3 the protection of the public, as determined by the rules of the commission.

4 (d) The records and information provided to a member state pursuant to this
5 compact or through the data system, when certified by the commission or an agent
6 thereof, shall constitute the authenticated business records of the commission, and
7 shall be entitled to any associated hearsay exception in any relevant judicial, quasi-
8 judicial or administrative proceedings in a member state.

9 (e) Current significant investigative information pertaining to a licensee in
10 any member state will only be available to other member states.

11 1. It is the responsibility of the member states to report any adverse action
12 against a licensee and to monitor the database to determine whether adverse action
13 has been taken against a licensee. Adverse action information pertaining to a
14 licensee in any member state will be available to any other member state.

15 (f) Member states contributing information to the data system may designate
16 information that may not be shared with the public without the express permission
17 of the contributing state.

18 (g) Any information submitted to the data system that is subsequently
19 expunged pursuant to federal law or the laws of the member state contributing the
20 information shall be removed from the data system.

21 **(12) RULE MAKING.** (a) The commission shall promulgate reasonable rules in
22 order to effectively and efficiently implement and administer the purposes and
23 provisions of the compact. A rule shall be invalid and have no force or effect only if

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1 a court of competent jurisdiction holds that the rule is invalid because the
2 commission exercised its rule-making authority in a manner that is beyond the
3 scope and purposes of the compact, or the powers granted hereunder, or based upon
4 another applicable standard of review.

5 (b) The rules of the commission shall have the force of law in each member
6 state, provided however that where the rules of the commission conflict with the
7 laws of the member state that establish the member state's laws, regulations, and
8 applicable standards that govern the practice of social work as held by a court of
9 competent jurisdiction, the rules of the commission shall be ineffective in that state
10 to the extent of the conflict.

11 (c) The commission shall exercise its rule-making powers pursuant to the
12 criteria set forth in this subsection and the rules adopted thereunder. Rules shall
13 become binding on the day following adoption or the date specified in the rule or
14 amendment, whichever is later.

15 (d) If a majority of the legislatures of the member states rejects a rule or
16 portion of a rule, by enactment of a statute or resolution in the same manner used
17 to adopt the compact within 4 years of the date of adoption of the rule, then such
18 rule shall have no further force and effect in any member state.

19 (e) Rules shall be adopted at a regular or special meeting of the commission.

20 (f) Prior to adoption of a proposed rule, the commission shall hold a public
21 hearing and allow persons to provide oral and written comments, data, facts,
22 opinions, and arguments.

23 (g) Prior to adoption of a proposed rule by the commission, and at least 30

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1 days in advance of the meeting at which the commission will hold a public hearing
2 on the proposed rule, the commission shall provide a notice of proposed rule
3 making:

4 1. On the website of the commission or other publicly accessible platform;

5 2. To persons who have requested notice of the commission's notices of
6 proposed rule making, and

7 3. In such other way(s) as the commission may by rule specify.

8 (h) The notice of proposed rule making shall include:

9 1. The time, date, and location of the public hearing at which the commission
10 will hear public comments on the proposed rule and, if different, the time, date, and
11 location of the meeting where the commission will consider and vote on the
12 proposed rule;

13 2. If the hearing is held via telecommunication, video conference, or other
14 electronic means, the commission shall include the mechanism for access to the
15 hearing in the notice of proposed rule making;

16 3. The text of the proposed rule and the reason therefor;

17 4. A request for comments on the proposed rule from any interested person;
18 and

19 5. The manner in which interested persons may submit written comments.

20 (i) All hearings will be recorded. A copy of the recording and all written
21 comments and documents received by the commission in response to the proposed
22 rule shall be available to the public.

23 (j) Nothing in this subsection shall be construed as requiring a separate

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1 hearing on each rule. Rules may be grouped for the convenience of the commission
2 at hearings required by this subsection.

3 (k) The commission shall, by majority vote of all members, take final action on
4 the proposed rule based on the rule-making record and the full text of the rule.

5 1. The commission may adopt changes to the proposed rule provided the
6 changes do not enlarge the original purpose of the proposed rule.

7 2. The commission shall provide an explanation of the reasons for substantive
8 changes made to the proposed rule as well as reasons for substantive changes not
9 made that were recommended by commenters.

10 3. The commission shall determine a reasonable effective date for the rule.
11 Except for an emergency as provided in par. (L), the effective date of the rule shall
12 be no sooner than 30 days after issuing the notice that it adopted or amended the
13 rule.

14 (L) Upon determination that an emergency exists, the commission may
15 consider and adopt an emergency rule with 48 hours' notice, with opportunity to
16 comment, provided that the usual rule-making procedures provided in the compact
17 and in this subsection shall be retroactively applied to the rule as soon as
18 reasonably possible, in no event later than 90 days after the effective date of the
19 rule. For the purposes of this provision, an emergency rule is one that must be
20 adopted immediately in order to:

21 1. Meet an imminent threat to public health, safety, or welfare;

22 2. Prevent a loss of commission or member state funds;

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1 3. Meet a deadline for the promulgation of a rule that is established by federal
2 law or rule; or

3 4. Protect public health and safety.

4 (m) The commission or an authorized committee of the commission may direct
5 revisions to a previously adopted rule for purposes of correcting typographical
6 errors, errors in format, errors in consistency, or grammatical errors. Public notice
7 of any revisions shall be posted on the website of the commission. The revision shall
8 be subject to challenge by any person for a period of 30 days after posting. The
9 revision may be challenged only on grounds that the revision results in a material
10 change to a rule. A challenge shall be made in writing and delivered to the
11 commission prior to the end of the notice period. If no challenge is made, the
12 revision will take effect without further action. If the revision is challenged, the
13 revision may not take effect without the approval of the commission.

14 (n) No member state's rule-making requirements shall apply under this
15 compact.

16 **(13) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) *Oversight.* 1.
17 The executive and judicial branches of state government in each member state shall
18 enforce this compact and take all actions necessary and appropriate to implement
19 the compact.

20 2. Except as otherwise provided in this compact, venue is proper and judicial
21 proceedings by or against the commission shall be brought solely and exclusively in
22 a court of competent jurisdiction where the principal office of the commission is
23 located. The commission may waive venue and jurisdictional defenses to the extent

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1 it adopts or consents to participate in alternative dispute resolution proceedings.
2 Nothing herein shall affect or limit the selection or propriety of venue in any action
3 against a licensee for professional malpractice, misconduct or any such similar
4 matter.

5 3. The commission shall be entitled to receive service of process in any
6 proceeding regarding the enforcement or interpretation of the compact and shall
7 have standing to intervene in such a proceeding for all purposes. Failure to provide
8 the commission service of process shall render a judgment or order void as to the
9 commission, this compact, or promulgated rules.

10 (b) *Default, technical assistance, and termination.* 1. If the commission
11 determines that a member state has defaulted in the performance of its obligations
12 or responsibilities under this compact or the promulgated rules, the commission
13 shall provide written notice to the defaulting state. The notice of default shall
14 describe the default, the proposed means of curing the default, and any other action
15 that the commission may take, and shall offer training and specific technical
16 assistance regarding the default.

17 2. The commission shall provide a copy of the notice of default to the other
18 member states.

19 (c) If a state in default fails to cure the default, the defaulting state may be
20 terminated from the compact upon an affirmative vote of a majority of the delegates
21 of the member states, and all rights, privileges and benefits conferred on that state
22 by this compact may be terminated on the effective date of termination. A cure of

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1 the default does not relieve the offending state of obligations or liabilities incurred
2 during the period of default.

3 (d) Termination of membership in the compact shall be imposed only after all
4 other means of securing compliance have been exhausted. Notice of intent to
5 suspend or terminate shall be given by the commission to the governor, the majority
6 and minority leaders of the defaulting state's legislature, the defaulting state's
7 state licensing authority and each of the member states' state licensing authority.

8 (e) A state that has been terminated is responsible for all assessments,
9 obligations, and liabilities incurred through the effective date of termination,
10 including obligations that extend beyond the effective date of termination.

11 (f) Upon the termination of a state's membership from this compact, that
12 state shall immediately provide notice to all licensees within that state of such
13 termination. The terminated state shall continue to recognize all licenses granted
14 pursuant to this compact for a minimum of 6 months after the date of said notice of
15 termination.

16 (g) The commission shall not bear any costs related to a state that is found to
17 be in default or that has been terminated from the compact, unless agreed upon in
18 writing between the commission and the defaulting state.

19 (h) The defaulting state may appeal the action of the commission by
20 petitioning the U.S. District Court for the District of Columbia or the federal
21 district where the commission has its principal offices. The prevailing party shall
22 be awarded all costs of such litigation, including reasonable attorney's fees.

23 (i) *Dispute resolution.* 1. Upon request by a member state, the commission

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1 shall attempt to resolve disputes related to the compact that arise among member
2 states and between member and nonmember states.

3 2. The commission shall promulgate a rule providing for both mediation and
4 binding dispute resolution for disputes as appropriate.

5 (j) *Enforcement.* 1. By majority vote as provided by rule, the commission may
6 initiate legal action against a member state in default in the United States District
7 Court for the District of Columbia or the federal district where the commission has
8 its principal offices to enforce compliance with the provisions of the compact and its
9 promulgated rules. The relief sought may include both injunctive relief and
10 damages. In the event judicial enforcement is necessary, the prevailing party shall
11 be awarded all costs of such litigation, including reasonable attorney's fees. The
12 remedies herein shall not be the exclusive remedies of the commission. The
13 commission may pursue any other remedies available under federal or the
14 defaulting member state's law.

15 2. A member state may initiate legal action against the commission in the
16 U.S. District Court for the District of Columbia or the federal district where the
17 commission has its principal offices to enforce compliance with the provisions of the
18 compact and its promulgated rules. The relief sought may include both injunctive
19 relief and damages. In the event judicial enforcement is necessary, the prevailing
20 party shall be awarded all costs of such litigation, including reasonable attorney's
21 fees.

22 3. No person other than a member state shall enforce this compact against the
23 commission.

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1 **(14) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall
2 come into effect on the date on which the compact statute is enacted into law in the
3 7th member state.

4 1. On or after the effective date of the compact, the commission shall convene
5 and review the enactment of each of the first 7 member states (“charter member
6 states”) to determine if the statute enacted by each such charter member state is
7 materially different than the model compact statute.

8 a. A charter member state whose enactment is found to be materially
9 different from the model compact statute shall be entitled to the default process set
10 forth in sub. (13).

11 b. If any member state is later found to be in default, or is terminated or
12 withdraws from the compact, the commission shall remain in existence and the
13 compact shall remain in effect even if the number of member states should be less
14 than 7.

15 2. Member states enacting the compact subsequent to the 7 initial charter
16 member states shall be subject to the process set forth in sub. (10) (c) 21. to
17 determine if their enactments are materially different from the model compact
18 statute and whether they qualify for participation in the compact.

19 3. All actions taken for the benefit of the commission or in furtherance of the
20 purposes of the administration of the compact prior to the effective date of the
21 compact or the commission coming into existence shall be considered to be actions
22 of the commission unless specifically repudiated by the commission.

23 4. Any state that joins the compact subsequent to the commission’s initial

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1 adoption of the rules and bylaws shall be subject to the rules and bylaws as they
2 exist on the date on which the compact becomes law in that state. Any rule that has
3 been previously adopted by the commission shall have the full force and effect of law
4 on the day the compact becomes law in that state.

5 (b) Any member state may withdraw from this compact by enacting a statute
6 repealing the same.

7 1. A member state's withdrawal shall not take effect until 180 days after
8 enactment of the repealing statute.

9 2. Withdrawal shall not affect the continuing requirement of the withdrawing
10 state's licensing authority to comply with the investigative and adverse action
11 reporting requirements of this compact prior to the effective date of withdrawal.

12 3. Upon the enactment of a statute withdrawing from this compact, a state
13 shall immediately provide notice of such withdrawal to all licensees within that
14 state. Notwithstanding any subsequent statutory enactment to the contrary, such
15 withdrawing state shall continue to recognize all licenses granted pursuant to this
16 compact for a minimum of 180 days after the date of such notice of withdrawal.

17 (c) Nothing contained in this compact shall be construed to invalidate or
18 prevent any licensure agreement or other cooperative arrangement between a
19 member state and a nonmember state that does not conflict with the provisions of
20 this compact.

21 (d) This compact may be amended by the member states. No amendment to
22 this compact shall become effective and binding upon any member state until it is
23 enacted into the laws of all member states.

SENATE BILL 74**SECTION 43**

1 **(15) CONSTRUCTION AND SEVERABILITY.** (a) This compact and the
2 commission's rule-making authority shall be liberally construed so as to effectuate
3 the purposes, and the implementation and administration of the compact.
4 Provisions of the compact expressly authorizing or requiring the promulgation of
5 rules shall not be construed to limit the commission's rule-making authority solely
6 for those purposes.

7 (b) The provisions of this compact shall be severable and if any phrase, clause,
8 sentence or provision of this compact is held by a court of competent jurisdiction to
9 be contrary to the constitution of any member state, a state seeking participation in
10 the compact, or of the United States, or the applicability thereof to any government,
11 agency, person or circumstance is held to be unconstitutional by a court of
12 competent jurisdiction, the validity of the remainder of this compact and the
13 applicability thereof to any other government, agency, person or circumstance shall
14 not be affected thereby.

15 (c) Notwithstanding par. (b), the commission may deny a state's participation
16 in the compact or, in accordance with the requirements of sub. (13) (b), terminate a
17 member state's participation in the compact, if it determines that a constitutional
18 requirement of a member state is a material departure from the compact.
19 Otherwise, if this compact shall be held to be contrary to the constitution of any
20 member state, the compact shall remain in full force and effect as to the remaining
21 member states and in full force and effect as to the member state affected as to all
22 severable matters.

23 **(16) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.** (a) A

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1 licensee providing services in a remote state under a multistate authorization to
2 practice shall adhere to the laws and regulations, including laws, regulations, and
3 applicable standards, of the remote state where the client is located at the time care
4 is rendered.

5 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of
6 a member state that is not inconsistent with the compact.

7 (c) Any laws, statutes, regulations, or other legal requirements in a member
8 state in conflict with the compact are superseded to the extent of the conflict.

9 (d) All permissible agreements between the commission and the member
10 states are binding in accordance with their terms.

11 **457.71 Implementation of the social work licensure compact.** (1) In
12 this section, “multistate authorization to practice ” has the meaning given in s.
13 457.70 (2) (q).

14 (2) (a) An individual who is exercising the multistate authorization to practice
15 in this state shall comply with s. 440.03 (13) (am).

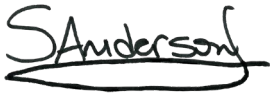
16 (b) Subject to s. 457.70 and any rules promulgated thereunder, ss. 440.20 to
17 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual
18 who is exercising the multistate authorization to practice in this state in the same
19 manner that they apply to holders of certificates or licenses issued under subch. I.

20 **SECTION 44.** 632.89 (1) (dm) of the statutes is repealed and recreated to read:

21 632.89 (1) (dm) “Licensed mental health professional” means a clinical social
22 worker, a marriage and family therapist, or a professional counselor, as those terms
23 are defined in subch. I of ch. 457.

**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: 07/02/2025 <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: July 16, 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. Preliminary Rule Draft: MPSW 4, 12, 16, and 20, relating to supervised requirements. 2. 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. Preliminary Rule Draft: MPSW 4, 12, 16, and 20, relating to supervised practice. 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;">  Signature of person making this request </div> <div style="text-align: center;"> 07/02/2025 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 (if required) </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 to add post agenda deadline item to agenda) </div> <div style="text-align: center;"> 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 (3) (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.~~

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~~(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:

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(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 who has held a license as a clinical social worker for 3 years and has completed 30 hours of clinical supervision training through coursework or continuing education.

(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 social work 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.

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(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.

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(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:

(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 and has completed 30 hours of clinical supervision training through coursework and continuing education.

(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.

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(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,

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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:

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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.
- (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.

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(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 [SA2]: 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 [SA3]: 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.~~

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

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~~(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.

(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).

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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 5 years of experience in marriage and family therapy systems and completion of 30 hours of clinical supervision training through coursework and continuing education.

(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.

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(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.

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- (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 [ASD4]: CR 24-012 Telehealth

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(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 the

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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 [ASD5]: CR 24-012 Telehealth

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

Commented [SA1]: The highlighted parts are marking the changes in supervisor's education based on the last meeting's comments.

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 12.01 (3), 12.02 (1) (intro) and (f), 16.015 (1) (c) (intro) and (3); **to repeal and recreate** MPSW 4 and 16.04; and **to create** MPSW 12.01 (4) and (5), and 16.05, 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), and 457.03 (1).

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides 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 (1), Stats., provides that the examining board can “[u]pon the advice of the social worker section [...] promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker, marriage and family therapist, or professional counselor...”

Related statute or rule:

None.

Plain language analysis:

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board reviewed chapters MPSW 4, 12, and 16 to update the current requirements for supervised practice for social workers, professional counselors, and marriage and family therapists who are under supervision in order to ensure clarity for supervisors, trainees, and employers. This review prompted the following changes:

- Repealed and recreated chapter MPSW 4 to establish a parallel organizational structure for its sections, consistent with that of the Professional Counselor and Marriage and Family Therapy chapters.
- Added a supervisor qualification standard to MPSW 4.02 that allows individuals who have held a license as a clinical social worker for 3 years and completed 30 hours of clinical supervision to be eligible to supervise social workers.
- Created MPSW 12.01 (4) and (5) to specify supervised practice activities.
- Amended MPSW 12.02 (1) (f) to include a minimum required clinical supervision education.
- Repealed and recreated section MPSW 16.04 to establish a parallel organizational structure similar to the social worker and professional counselor sections.
- Created a new section MPSW 16.05 titled Supervised Practice to include supervisor's qualifications and responsibilities.
- Added a supervisor qualification standard to MPSW 16.05 to specify that any individual who needs to be reviewed by the marriage and family therapy section as a potential clinical supervisor shall show evidence of 5 years of experience and completion of 30 hours of clinical supervision training.

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 April 16, 2024 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois:

Illinois does not have an equivalent to the Independent Social Worker license in Wisconsin. 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. Applicants with a bachelor's degree in social work must complete 3 years of supervised professional experience after completing the degree. The rules specify that the required number of hours may be obtained either as full-time experience, which is a minimum of 30 hours per week but not more than 40 hours per week, or as part-time experience, which is up to 29 hours per week. The supervisor is required to meet with the applicant an average of at least 4 hours each month. Group supervision may not exceed 5 supervisees. Supervisors must be a certified social worker with clinical experience, a licensed clinical social worker, a diplomate in clinical social work, a designated member of the Academy of Certified Social Workers (ACSW), a Board certified psychiatrist, a licensed clinical psychologist, a supervisor from another state who is a clinical professional credentialed at the highest level required by that state or other appropriate clinical supervisor as approved by the board. [68 IL Admin. Code Section 1470.20]

Illinois has two professional counseling licenses: licensed professional counselor and licensed clinical professional counselor. A licensed professional counselor may not engage in independent practice without supervision of a licensed clinical professional counselor, a licensed clinical social worker, a licensed clinical psychologist, or a psychiatrist. [225 ILCS 107/18] To obtain a licensed clinical professional counselor, an applicant needs to submit proof of completion of the equivalent of 2 years of full-time supervised experience working as a clinical counselor under the direction of a qualified supervisor after completing a master's degree. Applicants who hold a doctorate's degree must complete the equivalent of 2 years of full-time supervised experience, at least one year of which is after the doctorate degree conferral. Internships required as part of the doctoral degree may count toward professional experience. A qualified supervisor means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist, licensed marriage and family therapist, or licensed psychiatrist. If the supervision took place outside the state, the supervisor must have been a master's level or doctoral level counselor engaged in clinical professional counseling, clinical psychology, marriage and family therapy, or psychiatry. When a clinical counseling applicant is obtaining supervised experience while physically located in Illinois, the qualified supervisor must be licensed in the state, even if the services are provided to persons located outside the state via telehealth. One year of supervised clinical professional counseling experience shall be 1,680 clock hours in not less than 48 weeks and at least 50% of those hours must consist of direct face to face service to clients, which includes telehealth methods where there is synchronous audio-visual communication with the client. The supervisor shall meet face to face with the applicant at least one hour each week. Group supervision must not exceed 5 supervisees. [68 IL Admin. Code Section 1375.130]

Illinois has two marriage and family therapist licenses: associate licensed marriage and family therapist and licensed marriage and family therapist. The difference is that the associate licensed marriage and family therapist may not practice independently and must

be clinically supervised by a licensed marriage and family therapist. Also, the associate license is only valid for 5 years and may not be renewed. The requirements of the licensed marriage and family therapist include completion of at least 3,000 hours of professional work experience in not less than a 2 year period and no more than 5 years, which includes 1,000 hours of face to face client contact and 200 hours of clinical supervision in marriage and family therapy. [68 IL Admin. Code Section 1283.15] At least 350 hours of the 1,000 hours must involve working with only one client present in therapy sessions as part of the therapy being provided to couples or families, and at least 350 hours of the 1000 hours of face-to-face client contact must involve conjoint therapy, i.e., working with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. [68 IL Admin. Code Section 1283.20] Up to 100 hours of the 200 hours of clinical supervision accumulated during graduate training may be counted toward the total hours of clinical supervision. An eligible supervisor must hold a certification as an approved supervisor or supervisor in-training by the American Association for Marriage and Family Therapy (AAMFT); an active license as a licensed marriage and family therapist with 5 years of clinical experience providing marriage and family therapy; an active clinical membership certification with the AAMFT for at least 5 years; or an active license as a licensed clinical psychologist, a licensed clinical social worker, or a licensed psychiatrist and have 5 years clinical experience providing marriage and family therapy, at least 1,000 hours of conjoint therapy, and either 2 years of experience providing clinical supervision of marriage and family therapy or completed one semester hour of graduate course in marriage and family therapy supervision with at least 15 contact hours or the equivalent prior or during the supervision of an applicant. Supervision is defined as a face-to-face conversation with a supervisor that is live, interactive, and visual. Video supervision sessions must be synchronous and permit verbal and visual interaction during supervision, and must comport with confidentiality regulations and laws, usually in periods of approximately one hour each. Group supervision is limited to a maximum of 6 supervisees. [68 IL Admin. Code Section 1283.25]

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 2 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 who 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. Eligible supervisors must hold an active license as an independent level social worker, mental health counselor, or marital and family therapist, have a minimum of 3 years of independent practice, have completed at least 6 hours of continuing education course in

supervision or one graduate level course in supervision, be knowledgeable of the ethical code and licensing rules governing the supervisee. An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience completed can be used to qualify for licensure in Iowa. [481 IAC 895.6 (154C)] Iowa does not have an equivalent to the Independent Social Worker license in Wisconsin.

Applicants for licensure as a mental health counselor or marriage and family therapist, the Iowa equivalent to a professional counselor or marriage and family therapist, must complete the clinical supervised experience in a minimum of 2 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 who 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. Eligible supervisors must hold an active license as an independent level social worker, mental health counselor, or marital and family therapist, have a minimum of 3 years of independent practice, have completed at least 6 hours of continuing education course in supervision or one graduate level course in supervision, be knowledgeable of the ethical code and licensing rules governing the supervisee. An applicant who completed some or all of the supervised clinical experience in another state without obtaining licensure in that state should contact the board to determine whether some or all of the supervised clinical experience completed can be used to qualify for licensure in Iowa. [481 IAC 891.7 (154D)]

Michigan:

Michigan offers social worker licenses as Bachelor's Social Worker (BSW), Master's Social Worker (MSW) with macro or clinical designations (equivalent to social worker, advanced practice social worker, independent social worker, and clinical social worker). Both BSW and MSW applicants initially receive a one-year limited license, renewable up to 6 times, to gain supervised experience. [MI Admin. Code R 338.2939, R 338.2947] Full licensure requires at least 4,000 hours of post-degree supervised work experience over a minimum of 2 years, under a licensed MSW. Supervision can be individual either in-person or telecommunications with live contact or group with 50% of individual contact reviewing work. Supervisors must conduct at least 4 hours of review per month, with at least 2 hours being individual either in-person or telecommunications. Applicants can accumulate a maximum of 2,080 hours annually, averaging 16-40 hours per week. [MI Admin. Code R 338.2941, R 338.2949] MSW applicants with a macro or clinical designation require an additional 2,000 hours of post-degree experience in their specialty over at least one year, including at least 50 hours of supervisory review. [MI Admin. Code R 338.2949]

Applicants for a professional counselor license must first be issued a limited licensed counselor license to accumulate the supervised experience required for full licensure. The limited license can be renewed annually but for no more than 10 years. Applicants who complete a master's degree must complete 3,000 hours in not less than 2 years and with not less than 100 hours of regularly scheduled supervision under a licensed professional counselor in good standing. Applicants who completed a doctoral degree must complete 1,500 hours in not less than one year and with not less than 50 hours of regularly scheduled supervision. The supervision begins on the issuance of the limited license and continues until the full license is issued. The applicant must be in the immediate physical presence of the supervisor or can be supervised via 2-way real-time audiovisual technology that allows direct, contemporaneous interaction by sight and sound between the supervisor and supervisee. [MI Admin. Code R 338.1774] A licensed professional counselor can provide supervision if provided supervision on or before January 1, 2013, completed training in counseling supervision, and acquired not less than 3 years post-master's practice in counseling; provided supervision for the first time between January 13, 2013, and March 5, 2022, completed training in counseling supervision, and acquired not less than 3 years of post-master's practice in counseling; or currently holds the Approved Clinical Supervisor (ACS) credential from the Center for Credentialing & Education (CCE). An eligible supervisor will also have training in the function of counseling supervision. [MI Admin. Code R 338.1781]

Applicants for a marriage and family therapist license must first be issued a limited license to accumulate the supervised experience required for full licensure. The limited license can be renewed annually and may not be renewed more than 5 times. Applicants for full licensure can complete supervised clinical marriage and family therapy experience in 2 ways: 1) Completing not less than 300 direct client contact hours in not less than 8 consecutive months in conjunction with the applicant's educational program, which could be obtained either in a clinical practicum during graduate education or in a postgraduate marriage and family institute training program accredited by the Council for Higher Education Accreditation (CHEA) or the United States Department of Education; 2) After the completion of the degree, finish a minimum of 1,000 direct contact hours in supervised marriage and family therapy experience, at least ½ of which was completed with families, couples, or subsystems of families physically present in the therapy room. An eligible supervisor must have a master's or higher graduate degree, and either is a marriage and family therapist, a certified social worker or a social worker, a licensed professional counselor, a physician practicing in a mental health setting, a licensed psychologist, or an approved supervisor or supervisor-in-training through a program conducted by the American Association for Marriage and Family Therapy (AAMFT) and approved by the board. The supervised experience requirement can be waived for applicants who have obtained a doctoral degree in marriage and family therapy. [MCL 333.16909]

Minnesota:

Minnesota offers four social work licenses: Licensed Social Worker (non-clinical), Licensed Graduate Social Worker (clinical practice under supervision), Licensed Independent Social Worker (clinical practice under supervision), and Licensed

Independent Clinical Social Worker (independent clinical practice). [MN Stats. 148E.050]
All supervisors must complete 30 hours of training in supervision through coursework or continuing education and be competent in the activities being supervised. [MN Stats. 148E.120]

General supervision requirements for licensed social worker and non-clinical licensed graduate social worker establish at least 100 hours of supervision during the first 4,000 hours of post-degree practice (4 hours per 160 practice hours). Fifty hours must be one-on-one whether in-person or eye-to-eye electronic media. The remaining 50 hours can be one-on-one or group supervision at a maximum of 6 supervisees. The supervision must be provided by a licensed graduate social worker who has completed the supervised practice requirements, licensed independent social worker, licensed independent clinical social worker, or any other supervisor who meet the supervised practice requirements. [MN Stats. 148E.100, 148E.105] 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. The supervision must be provided by a licensed independent clinical social worker or an alternate supervisor who meets the supervised practice requirements. [MN Stats. 148E.110]

The clinical practice supervision for clinical licensed graduate social worker and licensed independent clinical social worker must have accrued at least 200 hours of supervision in not 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. This supervision must have a minimum of 4 hours and a maximum of 8 hours of supervision during the 160 hours of practice until the licensed graduate social worker is issued a licensed independent clinical social worker license. The supervisor and the supervisee are required to meet a ratio of 4 hours of supervision during every 160 hours of practice. Of the 200 hours, 100 hours must be through one-on-one supervision, which could be either in person or via eye-to eye electronic media, while maintaining visual contact. The other 100 hours must be provided through one-on-one supervision or group supervision. Group supervision is limited to 6 supervisees. The supervision must be provided by a licensed independent clinical social worker or any other supervisor who meet the supervised practice requirements. [MN Stats. 148E.106, 148E.115]

Applicants for licensure as a licensed professional counselor, the equivalent to the professional counselor in training license in Wisconsin, must submit to the board a plan for supervision during the first 2,000 hours of professional practice or has submitted proof of supervised professional practice that is acceptable to the board. [MN Stats. 148B.33] In order to qualify for a clinical professional counselor license, applicants must complete 4,000 hours of supervised post-master's degree professional practice in clinical services, which includes at least 1,800 hours of clinical client contact. The supervision must be obtained at the rate of 2 hours of supervision per 40 hours of professional practice. At least 75 percent of the required supervision must be received in person or through real-time, two-way interactive audio and visual communication, and the board must allow an applicant to engage in this type of supervision. The remaining 25 percent may be received by telephone or by audio or audiovisual electronic device. At least 50 percent of the

required hours of supervision must be received on an individual basis and the remaining 50 percent may be received in a group setting. [MN Stats. 148B.5301]

Applicants for licensure as a marriage and family therapist must complete not less than 4,000 hours of supervised professional experience, which includes at least 1,000 hours of clinical client contact, in not less than 2 years and at least 500 hours must be working with couples, families, or other relational groups. Supervision must involve at least 200 hours between the supervisor and supervisee of which at least 150 hours must be face-to-face in any 12-month period. At least 100 hours of contact between the supervisor and supervisee must be in an individual setting. [MN Admin. Code 5300.0150] Applicants are allowed to satisfy the requirement for supervised postgraduate experience through real-time, 2-way interactive audio and visual communication. [MN Stats. 148B.33]

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing chapters MPSW 4, 12, and 16 to ensure that the code is compliant 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 will be 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 October 14, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 4 is repealed and recreated to read:

Chapter MPSW 4

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 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:

(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 who has held a license as a clinical social worker for 3 years and has completed 30 hours of clinical supervision training through coursework or continuing education.

(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 social work 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.

SECTION 2. MPSW 12.01 (3) is amended to read:

MPSW 12.01 (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.

SECTION 3. MPSW 12.01 (4) and (5) are created to read:

MPSW 12.01 (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.

(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).

SECTION 4. MPSW 12.02 (1) (intro) is amended to read:

MPSW 12.02 (1) (intro) SUPERVISOR QUALIFICATIONS. It is the applicant's responsibility to satisfy the professional ~~counselors~~ counselor 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:

SECTION 5. MPSW 12.02 (1) (f) is amended to read:

MPSW 12.02 (1) (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 and has completed 30 hours of clinical supervision training through coursework and continuing education.

SECTION 6. MPSW 16.015 (1) (c) (intro) is amended to read:

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

SECTION 7. MPSW 16.015 (3) is amended to read:

(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.

SECTION 8. MPSW 16.04 is repealed and recreated to read:

MPSW 16.04 Supervised practice requirement.

(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.

(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).

SECTION 9. MPSW 16.05 is created to read:

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 5 years of experience in marriage and family therapy systems and completion of 30 hours of clinical supervision training through coursework and continuing education.

(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.

Commented [SA2]: I am not sure if this would be a renumber, more than a creation. The number is new but I am moving what it was in MPSW 16.04 (2), (3), and (4).

(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.

(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.

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

(END OF TEXT OF RULE)

MPSW Examining Board
Rule Projects (updated 07/02/2025)


Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
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.	Legislative Review.	If there are no objections, rule can be adopted.
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.	Rule effective July 1, 2025.	N/A
	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
25-040	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.	Public Hearing at July meeting.	Submission of final rule draft and Legislative Report to Governor's Office.

**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: 7/1/2025 <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: 7/16/2025	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Wisconsin Supreme Court Opinion re: Evers v. Marklein	
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: <Click Here to Add Description>			
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;"> 7/9/2025 </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.			