

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

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

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to renumber MPSW 16.02 (intro) and to create MPSW 16.02 (2), relating to education equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 457.03 (1), Stats.

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

Explanation of agency authority:

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

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

Related statute or rule: None.

Plain language analysis:

The rule clarifies that courses taken outside of the program study leading to a master's or doctorate degree are acceptable to obtain program equivalency.

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

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

The Board held a preliminary hearing on the statement of scope for this rule at its March 18, 2019 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois: According to Illinois Admin Code s. 1283.30 (e), courses taken at a post-degree institution may count as equivalent for an education requirement if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), or meets the following requirements:

- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
- 2) The specific course submitted as equivalent to those defined in subsection (b) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
- 3) Courses must be offered by an established, identifiable facility or agency.
- 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.
- 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.
- 6) Correspondence courses are not acceptable.

Iowa: According to IAC 645—31.4(2), an applicant can attain licensure as a marriage and family therapist with a master's degree in a counseling related field, and various semester hours of required coursework documented on the applicant's graduate transcript.

Michigan: Michigan Admin Code R 338.7205 (a) (ii) allows an individual to complete graduate level courses outside of the master's or higher graduate degree attained in order to meet educational requirements for licensure as a marriage and family therapist.

Minnesota: Minnesota code requires a graduate degree in a subject field related to marriage and family therapy, and the degree program must contain the required coursework enumerated in the rule. Minn. Admin Code 5300.0140 (2).

Summary of factual data and analytical methodologies:

The Board determined that it was necessary to clarify that courses taken outside of a degree program can count towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy to prevent confusion and barriers to entry to the profession.

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

The rule was posted for 14 days to receive economic comments. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

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

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

Comments may be submitted to Sharon Henes, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the hearing scheduled for 11:00 AM on October 15, 2019 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 16.02 (intro) is renumbered MPSW 16.02 (1).

SECTION 2. MPSW 16.02 (2) is created to read:

MPSW 16.02 (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.

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

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date August 26, 2019</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 16</p>	
<p>4. Subject Education equivalent to a graduate degree in marriage and family therapy from a program accredited by COAMFTE</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165 (1)(g)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The Board determined that it was necessary to clarify that courses taken outside of a degree program can count towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy to prevent confusion and barriers to entry to the profession.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local government units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local government units participated in the development of the EIA.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The rule will provide clarity for stakeholders that courses taken outside of a degree program can count towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy. If the rule is not implemented, stakeholders will continue to face a lack of clarity as to the education equivalency requirements for licensure as a marriage and family therapist.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is that the administrative rules relating to education equivalency will specify that courses taken outside of a degree program may be counted towards the academic program equivalent to a master's or doctorate degree in marriage and family therapy, if the course is offered by a regionally accredited institution. This may have the effect of</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

preventing confusing and reducing potential barriers to entry to the profession.

17. Compare With Approaches Being Used by Federal Government

The federal government does not license marriage and family therapists.

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

Illinois: According to Illinois Admin Code s. 1283.30 (e), courses taken at a post-degree institution may count as equivalent for an education requirement if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), or meets the following requirements:

- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
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Minnesota: Minnesota code requires a graduate degree in a subject field related to marriage and family therapy, and the degree program must contain the required coursework enumerated in the rule. Minn. Admin Code 5300.0140 (2).

19. Contact Name

Sharon Henes, Administrative Rules Coordinator

20. Contact Phone Number

(608) 261-2377

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

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

- Yes No
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