

Notice of Hearing

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board announces that it will hold a public hearing on a permanent rule for MPSW 11, relating to degrees from programs accredited by the Commission for Accreditation of Counseling (CACREP) at the time and place shown below.

Hearing Information

Date: October 13, 2020

Time: 11:00 AM

Location: 4822 Madison Yards Way, Room N208
Madison, Wisconsin

Virtual Hearing—Connection information will be posted in advance of the hearing at the following webpage:

<https://dsps.wi.gov/Pages/RulesStatutes/PublicHearingComments.aspx>

Appearances at the Hearing and Submittal of Written Comments

Written comments may be submitted to Jon Derenne, Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8935, Madison, WI 53705, or by email to DSPSAdminRules@wisconsin.gov. Comments shall be received on or before the time of the hearing scheduled for October 13, 2020 at 11:00 AM to be included in the record of rule-making proceedings.

The rule may be reviewed and comments made at:

<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

Daniel Hereth, Daniel.Hereth@wisconsin.gov, (608) 267-2435

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 repeal and recreate MPSW 11.01 (2) (b); and to amend MPSW 11.01 (2) (c); relating to degrees from programs accredited by the Commission for Accreditation of Counseling (CACREP).

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 457.03 (1), Stats.

Statutory authority:

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

Explanation of agency authority:

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

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

Related statute or rule:

Section MPSW 14.

Plain language analysis:

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

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

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

None.

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

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

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

Dr. Jennifer M. Cook.

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

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

- They are opposed to entirely removing automatic acceptance for CACREP approved programs on the following grounds:

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

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

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

Comparison with rules in adjacent states:

Illinois:

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

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

- a) The educational requirements are as follows:
 - 1) Master's degrees shall be from a college, university or school that is a regionally accredited institution of higher education and recognized by the U.S. Department of Education;
 - 2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling,

rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors;

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

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

Iowa:

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

Michigan:

Applicants for a counselor license must have degree from either a master's or doctorate program in counseling or student personnel matters that is approved by the board (Mich. Admin Code § R 338.1752 (2)). Programs that are accredited by CACREP are automatically considered to be acceptable to the board. If the graduate program is not CACREP accredited, the applicant's degree program must consist of a 600 hour

supervised clinical internship and at least 48 semester or 75 quarter credit hours including all of the following counseling related topics:

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

(Mich. Admin. Code § R 338.1752a).

Minnesota:

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

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

(Minn. Stats. § 148B.53).

Summary of factual data and analytical methodologies:

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

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

The rule draft 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 are attached.

Effect on small business:

None.

Agency contact person:

Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the beginning of the public hearing scheduled for 11:00 AM on October 13, 2020 to be included in the record of rule-making proceedings.

TEXT OF RULE

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

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

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

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

MPSW 11.01 (2) (c) A program which is equivalent to a master's or doctoral degree in professional counseling by meeting the requirements in s. MPSW 14.01 or 14.02, including CACREP accredited degree programs that are not listed in s. 11.01 (2) (b), but meet the requirements of MPSW 14.01 or 14.02.

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

(END OF TEXT OF RULE)

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 10, 2020</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 11</p>	
<p>4. Subject Degrees from programs accredited by the Commission for Accreditation of Counseling (CACREP)</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 Currently, any CACREP accredited program specialty area is considered sufficient to meet the education requirement for licensure as a professional counselor. The board would like to narrow automatic acceptance of CACREP accredited programs to only certain specialty areas that closely align with the board's education requirement under MPSW 14.</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 rule draft was posted on the department's website for 14 days in order to solicit economic impact comments from businesses, associations representing business, local governmental 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. None.</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) No impact.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule will be to ensure that individuals licensed in Wisconsin as professional counselors will have the necessary education to competently provide services to clients. The alternative would be to continue to automatically approve the education of graduates from some CACREP accredited specialty areas which may not adequately prepare graduates for practice as a professional counselor.</p>	
<p>16. Long Range Implications of Implementing the Rule The benefit of implementing the rule will be to ensure that individuals licensed in Wisconsin as professional counselors will have the necessary education to competently provide services to clients.</p>	
<p>17. Compare With Approaches Being Used by Federal Government</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

None.

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

Illinois:

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3) The program is an organizational entity within the institution;

4) The program has an integrated, organized sequence of study;

5) The program must be at least 2 academic years in length and require an individual to graduate from a program with a minimum of 48 semester hours or 72 quarter hours with a minimum of one course ("course" is defined as 3 semester hours or equivalent) in each of the areas listed in this subsection (a)(5). The 13 areas are the same as those listed for the licensed professional counselor. "A minimum of one course" is defined to mean that the objectives and content of a course need to meet the requirements for one content area and cannot be used to meet the objectives and content requirements of another content area. (See Appendix A (Course Descriptions) for a definition of the subject content for each core area with examples of course titles that relate to each of the core content areas.) Students who started their educational program after January 1, 1999 and graduated before January 1, 2008 who make application for the Licensed Clinical Professional Counselor after January 1, 2008 must meet the hour requirements for each core areas established by their educational program at the time they started their graduate studies. In some cases, this may not be 3 semester hours or equivalent for each core area. All students, however, graduating after January 1, 2008 must meet the "3 semester hour or equivalent" requirement.

A) Human Growth and Development

B) Counseling Theory

C) Counseling Techniques

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E) Appraisal of Individuals

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

- F) Research and Evaluation
 - G) Professional, Legal and Ethical Responsibilities Relating to Professional Counseling, Including Illinois Law
 - H) Social and Cultural Foundations
 - I) Lifestyle and Career Development
 - J) Practicum/Internship
 - K) Psychopathology and Maladaptive Behavior
 - L) Substance Abuse
 - M) Family Dynamics;
- 6) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their areas of teaching from professional colleges and institutions;
- 7) The program has an identifiable body of students who are matriculated in that program for a degree;
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-

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

4. Counseling theories.
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(Mich. Admin. Code § R 338.1752a).

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- (4) Group dynamics, processes, counseling, and consulting;
- (5) Assessment and appraisal;
- (6) Social and cultural foundations, including multicultural issues;
- (7) Principles of etiology, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) Family counseling and therapy;
- (9) Research and evaluation; and
- (10) Professional counseling orientation and ethics.

(Minn. Stats. § 148B.53).

19. Contact Name

Jon Derenne, Administrative Rules Coordinator

20. Contact Phone Number

(608) 266-0955

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-