

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 14.01 (2) (b) in CR 13-009 and create MPSW 14.01 (3) relating to internship and courses in equivalency programs.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 457.12, stats.

Statutory authority: ss. 15.08 (5) (b) and 457.03 (1), stats.

Explanation of agency authority:

The board shall promulgate rules for its own guidance and for the guidance of the 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 professional counselor section, promulgate rules establishing minimum standards for educational programs that must be completed for licensure under this chapter and for supervised clinical training that must be completed for licensure as a 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: n/a

Plain language analysis:

This rule corrects inadvertent omissions when the board updated the education equivalency standards in CR 13-009.

Section 1 maintains the language of MPSW 14.01 (2) (b) and then adds a sentence to the end of the paragraph to clarify the internship experience includes an average of one and a half hours of group supervision throughout the internship similar to the language in the practicum experience.

Section 2 clarifies an applicant may complete up to 18 credit hours outside of the master's degree if necessary to meet the equivalency requirements. This provision is necessary in order to avoid permanently preventing applicants from being able to meet the requirements because their degree program was missing some of the required content.

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

Comparison with rules in adjacent states:

Illinois: Illinois requires the master's and doctoral degree come from a counseling program accredited by the Council for Accreditation of Counseling and Related Education Programs or the Council on Rehabilitation Education or a psychology program approved by the American Psychological Association and the Council for the National Registry of Health Service Providers. Any program not accredited or approved by the program will be evaluated by Board to determine equivalency. The equivalency standards are not specified by rule.

Iowa: Iowa requires mental health counselors meeting the educational requirements by demonstrating an equivalent to a program accredited by the Council on Accreditation of Counseling and Related Educational Programs to have an internship which includes a minimum of one and a half hours per week of group supervision by a program faculty member supervisor. Iowa does not indicate whether courses outside of the degree will be considered to meet the requirements.

Michigan: Michigan requires education programs to meet the 2009 standards of the Council for Accreditation of Counseling and Related Educational Programs or the Council on Rehabilitation Education.

Minnesota: Minnesota requires a supervised field experience in counseling that is not fewer than 700 hours but does not indicate the required supervision hours. Minnesota allows 20 credits to be completed postdegree for purposes of meeting coursework requirements.

Summary of factual data and analytical methodologies:

Stakeholders approached the board requesting the clarifications.

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

This rule was posted for economic comments and none were received. The rule retains the current requirements where were inadvertently removed in CR 13-009.

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 Kirsten.Reader@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, 1400 East Washington Avenue, Room 151, 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 Rules Coordinator, Department of Safety and Professional Services, Division of Policy, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on December 5, 2017 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 14.01 (2) (b) in CR 13-009 is repealed and recreated to read:

MPSW 14.01 (2) (b) At least 6 semester hours or 8 quarter hours academic credit in a supervised internship counseling experience that provides documented proof of a minimum of 600 hours of supervised internship experience with at least 240 hours of face-to-face client contact. The internship experience includes evaluation of the student's counseling performance throughout the internship and one hour per week of individual or triadic supervision throughout the internship performed by the onsite or field supervisor. The internship experience further includes an average of 1½ hours per week of group supervision that is provided on a regular schedule throughout the internship by a program faculty member or a student supervisor.

SECTION 2. MPSW 14.01 (3) is created to read:

MPSW 14.01 (3) Notwithstanding sub. (1), an applicant may, at an institution which was accredited by its regional accrediting association, complete up to 18 credit hours outside the program of studies leading to a master's degree in order to meet the requirements in sub. (2).

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on September 1, 2018.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

MPSW 14

3. Subject

Internship and courses in equivalency program

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The rule clarifies the requirements for the supervised internship counseling experience is similar to the supervised practicum counseling experience in that that the experience includes group supervision that is provided on a regular schedule throughout the internship by a program faculty member or a student supervisor. The current rule allows for courses to be taken outside of the master's program to reach the program equivalency. However, CR 13-009, which goes into effect on September 1, 2018, removes this provision. This will create a barrier for some people to come into the profession. Therefore, this proposed rule is necessary to ensure the provision is maintained.

10. 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.

This rule was posted for economic comments and none were received.

11. Identify the local governmental units that participated in the development of this EIA.

None

12. 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)

This rule does not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the State's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

This rule addresses stakeholders concerns regarding CR 13-009 which goes into effect on September 1, 2018.

14. Long Range Implications of Implementing the Rule

The long range implication is a rule which has clear provisions. In addition it allows for people to enter the profession even if their original degree did not contain all the required courses by allowing them to take the additional course.

15. Compare With Approaches Being Used by Federal Government

None

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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

Illinois requires accredited programs unless approved by the board, but does not include the equivalency program standards in rule.

Iowa recognizes equivalent programs to a program accredited. The internship is required to have 1½ hours per week of group supervision by a program faculty member. Iowa does not indicate whether courses can be obtained outside of the degree program.

Michigan requirements are to meet the 2009 Council for Accreditation of Counseling and Related Education Programs of the Council on Rehabilitation standards.

Minnesota requires a supervised field experience but does not indicate the required level of supervision. Minnesota does allow 20 credits to be completed postdegree for purposes of meeting the coursework requirements.

17. Contact Name

Sharon Henes

18. 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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