



**TELECONFERENCE/VIRTUAL
PROFESSIONAL COUNSELOR SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
October 17, 2023**

The following agenda describes the issues that the Section 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 Section.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-3)**
- B. **Approval of Minutes of July 18, 2023 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements, and Recognition
- E. **Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Section Updates
 - 2) Section Member – Term Expiration Date
 - a. Scheidegger, Tammy H. – 7/1/2020
 - b. Simon, Andrea L. – 7/1/2027
 - c. Strait, Tim – 7/1/2025
- F. **Legislative and Policy Matters – Discussion and Consideration (7-74)**
 - 1) 2023 Wisconsin Assembly Bill 207/Senate Bill 196
- G. **Administrative Rule Matters – Discussion and Consideration (75-84)**
 - 1) Discussion: MPSW 12 Supervision
 - 2) Pending or Possible Rulemaking Projects
- H. **Speaking Engagements, Travel, or Public Relation Request and Reports – Discussion and Consideration (85)**
 - 1) ACA Conference & Exp 2024, April 11-13, 2024 – New Orleans, LA
- I. Discussion and Consideration on Items Added After Preparation of Agenda
 - 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections, and Appointments
 - 3) Administrative Matters

- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination 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) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

J. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

K. Deliberation on DLSC Matters

- 1) Case Closings**
 - a. 22 CPC 047 – J.R.C. **(86-94)**
- 2) Proposed Stipulations and Final Decision and Order**
 - a. 23 CPC 018 – Nicole L. Slowinski, L.P.C. **(95-100)**
- 3) Monitoring Matters (101-102)**
 - a. Rebeca Argiro, L.P.C. – Requesting review of monitoring materials **(103-119)**

L. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders

- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

N. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

O. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

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Virtual, 4822 Madison Yards Way, Madison
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October 17, 2023**

**PROFESSIONAL COUNSELOR SECTION
2023 WISCONSIN ETHICS AND PUBLIC RECORDS LAW FACILITATED TRAINING
9:30 A.M. OR IMMEDIATELY FOLLOWING THE FULL SECTION MEETING**

A quorum of the Professional Counselor Section may be present; however, no Section business will be conducted.

NEXT MEETING: 2024 (TO BE DETERMINED)

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 disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
PROFESSIONAL COUNSELOR SECTION
MEETING MINUTES
July 18, 2023**

PRESENT: Tammy Scheidegger, Andrea Simon, Tim Strait

STAFF: Brad Wojciechowski, Executive Director; Whitney DeVoe, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Brenda Taylor, Board Services Supervisor; and other DSPS Staff

CALL TO ORDER

Brad Wojciechowski, Executive Director, called the meeting to order at 12:30 p.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Andrea Simon moved, seconded by Tim Strait, to adopt the Agenda as published/amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 19, 2023

MOTION: Tim Strait moved, seconded by Andrea Simon, to approve the Minutes of April 19, 2023 as published. Motion carried unanimously.

CLOSED SESSION

MOTION: Andrea Simon moved, seconded by Tim Strait, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Tammy Scheidegger, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Tammy Scheidegger-yes; Andrea Simon-yes; and Tim Strait-yes. Motion carried unanimously.

The Section convened into Closed Session at 1:04 p.m.

CREDENTIALING MATTERS

Application Reviews

Nicole L. Cook – Professional Counselor Training License

MOTION: Andrea Simon moved, seconded by Tim Strait, to delegate to Board Counsel to draft and send a three-option letter to Nicole Cook regarding her application

for a professional counselor-in-training license. Reasons for denial are the following deficiencies: WIS. Stats. Sec. 457.13 14.01(2)(b) - insufficient evidence of internship; 14.01(2)(d)8 - insufficient evidence of course; 14.01(2)(e) - no evidence of a course; 14.01(2)(f) - insufficient evidence of a course; 14.01(2)(g)1. - no evidence of a course; and 14.01(2)(g)2. - insufficient evidence of a course. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

22 CPC 056 – D.L.H.

MOTION: Tim Strait moved, seconded by Andrea Simon, to issue an Administrative Warning in the matter of D.L.H., DLSC Case Number 22 CPC 056. Motion carried unanimously.

Proposed Stipulations and Final Decision and Order

21 CPC 051 – Rebeca J. Argiro, LPC

MOTION: Tammy Scheidegger moved, seconded by Andrea Simon, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Rebeca J. Argiro, LPC, DLSC Case Number 21 CPC 051. Motion carried unanimously.

Monitoring Matters

Jessica Ellingsworth, Licensed Professional Counselor Requesting Full Licensure or Modification

MOTION: Andrea Simon moved, seconded by Tim Strait, to deny the request of Jessica Ellingsworth, Licensed Professional Counselor, for full licensure and termination of drug testing, but to grant termination of the treatment requirement per the treator, and a reduction in drug & alcohol screens to 36 per year plus one hair test per year.

David MacIntyre, Licensed Professional Counselor Requesting Full Licensure

MOTION: Tammy Scheidegger moved, seconded by Andrea Simon, to grant the request of David MacIntyre, Licensed Professional Counselor for full licensure. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Tammy Scheidegger moved, seconded by Tim Strait, to reconvene into Open Session. Motion carried unanimously.

The Section reconvened into Open Session at 2:19 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Andrea Simon moved, seconded by Tim Strait, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

ADJOURNMENT


MOTION: Andrea Simon moved, seconded by Tim Strait, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:20 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 10/10/2023 <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: Professional Counselor Section			
4) Meeting Date: 10/17/2023	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) 2023 Wisconsin Assembly Bill 207/Senate Bill 196	
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			
			10/10/2023
Signature of person making this request			Date
Supervisor (Only required for post agenda deadline items)			Date
Executive Director signature (Indicates approval for post agenda deadline items)			Date
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.			



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Hearing Testimony
Assembly Committee on Health
May 16, 2023
Assembly Bills 207 & 208

Chairman Moses and members of the Assembly Committee on Health – Thank you for giving me the opportunity to speak on ABs 207 and 208, relating to the ratification of the Counseling and Audiology and Speech-Language Pathology compacts.

These two bills stemmed from the Study Committee on Occupational Licenses, of which I co-chaired with Senator Stafsholt. The study committee was created with the goal of finding solutions so current and future license holders can be licensed in a timely manner. We were tasked with finding long-term solutions that would fix the problems plaguing DSPS.

Two policy mechanisms that quicken the process for out-of-state license holders to come to Wisconsin are universal licensure recognition and compacts. Both are sufficient, but the latter, in particular, can be a longer process due to the need for multiple states to sign on before it can take effect. Luckily, both compacts have already reached the minimum number of states. Therefore, if Wisconsin enacted either one, it would be active quickly.

Simply put, AB 207 would allow professional counselors from other compact states to transition to Wisconsin with ease. And AB 208 would do the same for speech-language pathologists and audiologists.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



ROB STAFSHOLT

STATE SENATOR • 10th SENATE DISTRICT

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P.O. Box 7882
Madison, WI 53707-7882

TO: Assembly Committee on Health, Aging and Long-Term Care
FROM: Senator Rob Stafsholt
DATE: May 16, 2023
SUBJECT: Testimony in Favor of Assembly Bills 207 & 208

Thank you, Chairman Moses and members of the Assembly Committee on Health, Aging and Long-Term Care, for allowing me to submit testimony in favor of Assembly Bill 207 and 208.

Over the last couple of years, I have heard from many frustrated constituents that are dealing with unnecessary delays, confusion and lack of communication while attempting to get an occupational license from the Department of Safety and Professional Services (DPS). These unnecessary delays cause individuals to postpone starting their careers or stops them from entering the workforce. Wisconsin businesses are struggling to find qualified workers so we need to ensure our licensure process is streamlined and functions efficiently. We cannot afford to fall behind other states in attracting skilled individuals to live and work in our state.

In response, leadership created the Legislative Council Study Committee on Occupational Licenses, and Representative Sortwell and I were appointed as Chair and Vice-Chair. The study committee was created with the goal of finding solutions so current and future license holders can be licensed in a timely manner. In other words, we were tasked with finding long-term solutions that will fix the problems plaguing DPS.

Through our conversations with licensed professionals, research and policy groups, and the Department of Safety and Professional Services, our study committee focused our bill recommendations on three primary issue areas: data tracking, workload simplification, and reciprocal credentialing.

Assembly bills 207 and 208 fall under the third issue area of reciprocal credentialing. The study committee recommended Assembly Bill 207, which enters Wisconsin into the Counseling Compact, allowing a professional counselor from another compact state to provide professional counseling services here under a "privilege to practice."

The study committee also recommended Assembly Bill 208, which enters Wisconsin into the Audiology and Speech-Language Pathology Interstate Compact, which grants a similar "privilege to practice" here, for a person from another compact state.

Study committee members broadly supported these bills and recommended them for introduction. We felt like these bills would improve processing and credentialing. Thank you for your support of these bills and feel free to reach out with any questions.

MEMORANDUM

TO: Honorable Members of the Committee on Health, Aging and Long-Term Care

FROM: Chelsea Fibert, WCA Government Affairs Associate

DATE: Tuesday, May 16, 2023

SUBJECT: Support for Assembly Bill 207: Entering Wisconsin into the Counseling Compact

Just as all Wisconsin businesses have struggled to attract and retain workforce in recent years, so too have Wisconsin's 72 counties. While there are many reasons for the worker shortage, occupation licensing has created unnecessary burdens for individuals looking to enter or remain in the workforce. The current occupational licensing system must be streamlined and simplified.

At a time when human services departments are dealing with a workforce shortage, significant challenges in recruiting/retaining staff and licensing delays further exacerbate the shortage. Applicants for professional licenses often encounter long delays for application review and may have to resubmit materials due to lost/misplaced documents. The current situation is frustrating for both professionals needing licensure, DSPS as the licensing agency, and county departments as employers.

County human service departments are responsible for serving and protecting vulnerable populations, such as children who are abused or neglected, adults with disabilities, and persons with mental health and substance use disorders. If county agencies are short staffed due to licensing delays, the clients are directly impacted. Licensing delays may prevent agencies from filling vacancies and assigning cases to new workers, which can result in remaining workers having unreasonably high caseloads. High caseloads can lead to unsafe outcomes for the consumers.

This bill would allow professional, licensed counselors residing in a compact member state to practice in other member states without the need for multiple licenses. Compacts provide a pathway for counselors to move seamlessly from one state to another through an agreement among states to recognize another state's license. Previously, counselors have had difficulty transferring their licenses from one state/jurisdiction to another because of the independent nature of jurisdictional licensing rules and regulations. There is little consistency regarding the requirements for licensure and these varying requirements make it difficult to transfer credentials across state lines.

Counseling Compact
Page 2
May 16, 2023

The Counseling Compact enables professional counselors who meet uniform licensure requirements to quickly obtain a privilege to practice, which is equivalent to a license to practice counseling in another state. Thus, opening up Wisconsin as a place to live and work when seeking employment.

WCA respectfully requests your support of AB 207 and please don't hesitate to contact the WCA office with any questions. Thank you for your consideration.

Assembly Committee on Health, Aging, and Long-Term Care

2023 Assembly Bill 207

Ratification of the Counseling Compact

May 16th, 2023

Chair Moses and members of the Assembly Committee on Health, Aging, and Long-Term Care. Thank you for the opportunity to submit written testimony in support of Assembly Bill 207, which would ratify the Counseling Compact in the state of Wisconsin. We appreciate this piece of legislation being brought forward, and the work of the 2022 Legislative Council Study Committee on Occupational Licenses.

SSM Health is a Catholic, not-for-profit health system serving the comprehensive health needs of communities across the Midwest through a robust and fully integrated health care delivery system. The organization's more than 40,000 employees and physicians, including approximately 14,500 in Wisconsin, are committed to providing exceptional health care services and revealing God's healing presence to everyone they serve. Our footprint in the state includes seven hospitals, ten post-acute care facilities, and more than 85 physician offices and other outpatient care sites. We also operate in the states of Missouri, Illinois, and Oklahoma.

As a health care system that provides care in multiple states, we are generally supportive of compacts and the benefit they produce for patient access across a multitude of different health-related professions. We have seen firsthand benefits of occupational licensure compacts and know they reduce barriers for practitioners who wish to provide service across state lines. Our organization is also working to implement a multi-state virtual behavioral health integration project to provide timely access to mental health services to patients in primary care. The regionalized use of virtual and telehealth services, and having providers who can practice in this fashion, is key to the success of this project and to growing points of access for our patients.

The Counseling Compact is one such compact we have been supportive of, and SSM Health believes that AB 207 will benefit patients while also preserving high-quality care and standards that Wisconsin is known for. Moreover, the other states in which we operate have made progress on the Counseling Compact, too. Earlier this month, Oklahoma ratified their compact, making them the 25th state to do so. Additionally, the state of Missouri recently has passed their Counseling Compact proposal and it just needs to be signed into law. Our system would like to see Wisconsin added to this list.

At a time when mental health services are increasingly needed by all types of patients and where there are workforce shortages, especially in rural areas of Wisconsin, we want to find ways for high-quality, skilled workers to provide essential care for the communities we serve. We hope this compact can build off other helpful changes that have been made without compromising important standards and look forward to working with the Legislature on this and other ideas to increase access to care.

Thank you again for the opportunity to provide comments in support of Assembly Bill 207. If you have any questions, please feel free to reach out to SSM Health's Director of Government Affairs, Ben Van Pelt, at benjamin.vanpelt@ssmhealth.com.



Wisconsin Psychological Association

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2023

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Dale Bspalec, PhD

Executive Director

Jennifer Rzepka, CAE

Date: Monday, May 15, 2023

To: Representative Moses and members of the Assembly Committee on Health, Aging, and Long-Term Care

From: Dr. Mike Zussman
Licensed Professional Counselor
License no. 4823-125 WI

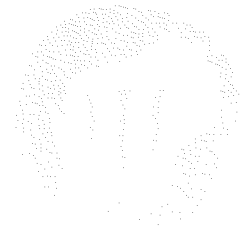
Re: Assembly Bill 207 Relating to: ratifying and entering Wisconsin into the Counseling Compact

First, thank you for considering this testimony. The Wisconsin Psychological Association (WPA) and I are excited about the prospect of Wisconsin joining the Counseling Compact. Our organization was very active in supporting PSYPACT during the 2021-2022 legislative term and strongly supports this legislation to extend interstate practice to Licensed Professional Counselors (LPC).

My reasons for supporting this are both professional and personal because I am an LPC in addition to serving as the Vice-President of WPA. I believe my reasons for supporting this legislation is widely shared by other LPC's.

My practice is focused in the Milwaukee area where I have been practicing for just over ten years. While I started by working with a younger population, I have since focused my practice to focus primarily on working with adolescents while also seeing some children and adults. My practice has evolved into a hybrid model consisting of mostly in-person sessions but including telehealth sessions as well. This works well for my adolescent clients who graduate high school and stay in Wisconsin to attend college. However, I do have many clients who chose to go attend college out-of-state. Due to the current restrictions, I am not allowed to provide services to those clients until they return to Wisconsin unless I expend time and money to obtain licenses in each of those states.

Moving away from home and to college can be hard for some. They would find more success if there was a continuation of care. I find that most of my clients are hesitant to seek services out-of-state because they do not know the area and do not want to establish another relationship with a second provider. If Wisconsin were to join the Counseling Compact, I would be able to continue seeing my clients when they attend college in reciprocal states.



For example, I have clients at Tulane in Louisiana, University of Washington, University of Colorado – Boulder, and at DePauw University in Indiana, all states that are members of the Counseling Compact. I have other clients attending college in Illinois, New York, and Iowa which are all states like Wisconsin with pending legislation to join.

Speaking from experience, it is difficult for providers to obtain licensure in other states. If Wisconsin were to join the Counseling Compact, other providers would see Wisconsin as another place where they could establish a practice much more easily if coming from a reciprocal state. Many of the providers I know have long waitlists to be seen. By welcoming more providers from Counseling Compact states, we can potentially reduce the waiting period that many people must endure in order to be seen for psychological services.

I am really encouraged to learn that our legislature is considering this move. Only about half of the states are members of this compact while a handful more have pending legislation to join. By joining this compact in addition to PSYPACT (which we recently joined), Wisconsin has the potential to show the rest of the country that we are serious about addressing our mental health needs. While this would be such a beneficial move for the providers in our state, more importantly, it would greatly benefit our clients in many ways. Thank you again for your consideration.



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P.O. Box 7882
Madison, WI 53707-7882

TO: Senate Committee on Health
FROM: Senator Rob Stafsholt
DATE: September 27, 2023
SUBJECT: Testimony in Favor of Senate Bills 196, 197, 391 & 400

Thank you, Chairwoman Cabral-Guevara and members of the Senate Committee on Health, for allowing me to testify in favor of Senate Bills 196, 197, 391 and 400.

Over the last few years, I have heard from many frustrated constituents that are dealing with unnecessary delays, confusion and lack of communication while attempting to get an occupational license from the Department of Safety and Professional Services (DSPS). These unnecessary delays cause individuals to have to postpone starting their careers or stops them from entering the workforce. Wisconsin's healthcare and business sectors are struggling to find qualified workers so we need to ensure our licensure process is streamlined and functions efficiently. We cannot afford to fall behind other states in attracting skilled individuals to live and work in our state.

In response, leadership created the Legislative Council Study Committee on Occupational Licenses, and I was honored to be appointed as Chair. The study committee was created with the goal of finding solutions so current and future license holders can be licensed in a timely manner. The committee was made up of two Republican and two Democratic legislators as well as five members of the public.

Through our conversations with licensed professionals, research and policy groups, and DSPS, our study committee focused our bill recommendations on three primary issue areas: data tracking, workload simplification, and reciprocal credentialing. The following bills being heard today fall under the third issue area of reciprocal credentialing:

- Senate Bill 196 relating to ratification of the Counseling Compact.
- Senate Bill 197 relating to ratification of the Audiology and Speech-Language Pathology Interstate Compact.
- Senate Bill 391 relating to ratification of the Social Work Licensure Compact.
- Senate Bill 400 relating to ratification of the PA Licensure Compact

Senate Bill 196 and 197 are both interstate compacts that the study committee members broadly supported and recommended them for introduction. Senate Bills 391 and 400 are also interstate compacts that we didn't have enough time to discuss before our final hearing.

Interstate compacts allow states to create an agreement and implement standards for occupational licensing of specific professions. These compacts would allow professional, licensed individuals residing in a compact member state to practice in other member states without the need for multiple licenses. Compacts provide a clear pathway for professionals to move seamlessly from one state to another through an agreement among states to recognize another state's occupational license.

Wisconsin has recently enacted legislation allowing our state to participate in a number of interstate compacts including the Physical Therapy Compact, the Occupational Therapy Compact, the Enhanced Nurse Licensing Compact (eNLC), and others.

Thank you, members. I ask for your support and would be happy to answer any questions.



**SB 196 Legislative Testimony (Information Only)
Wisconsin Senate Health Committee**

September 27, 2023

Chair Cabral-Guevara and Senate Health Committee Members:

The Council of State Governments (CSG) is a nonpartisan membership organization that serves the three branches of state governments. The CSG National Center for Interstate Compacts is a technical assistance provider for states on interstate compacts. CSG has provided technical assistance to states during the development, legislative consideration, and administration of the Counseling Compact.

The Counseling Compact is an interstate compact, or a contract among states, allowing professional counselors licensed in a compact member state to practice in other compact member states without the need for multiple licenses. Like other interstate licensure compacts, the Counseling Compact is designed to improve access to services, enhance mobility for practitioners, support relocating military spouses, improve continuity of care, and ensure cooperation among compact member states.

The Counseling Compact reflects how states license professional counselors. For example, to participate in the compact, a state must require their licensees to pass a nationally recognized exam, obtain a 60 semester-hour master's degree in counseling (or in the graduate course work defined in the compact), and complete a supervised postgraduate professional experience.

Licensed professional counselors who meet the uniform requirements are permitted to obtain a privilege to practice, which is the legal authorization to practice in another compact member state. Compact member states retain control over scope of practice and licensure requirements.

The compact creates a shared interstate licensure data system which facilitates the application and granting of a privilege to practice. The data system also enhances public protection by ensuring that member states share investigative and disciplinary information with one another.

The Counseling Compact currently has 30 member states and is in the process of becoming operational. The compact commission inaugurally convened in October of 2022 and has since then developed bylaws, elected officers, adopted a budget, and is in the process of developing the compact data system. Once the data system is



operational, eligible practitioners may apply for a privilege to practice.

Wisconsin is currently a member of five licensure compacts, including the Interstate Medical Licensure Compact, Nurse Licensure Compact, Occupational Therapy Compact, Psychology Interjurisdictional Compact and Physical Therapy Compact.

Thank you for the opportunity to deliver informational testimony for the committee. CSG is available to assist with any questions regarding the Counseling Compact or interstate compact policy.

Respectfully,

A handwritten signature in black ink, appearing to read 'Carl Sims', is positioned above the typed name.

Carl Sims
Deputy Program Director
National Center for Interstate Compacts
The Council of State Governments



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2564/1
MED:emw

2023 SENATE BILL 196

April 3, 2023 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Health.

1 **AN ACT** *to renumber* 457.16 (1); *to renumber and amend* 440.03 (13) (c) and
2 457.12; *to amend* 15.405 (7c) (a) 1., 15.405 (7c) (a) 2., 15.405 (7c) (a) 3., 15.405
3 (7c) (a) 4., 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7c) (c), 46.90 (4) (ab)
4 4., 48.56 (2), 48.561 (2), 49.45 (30j) (a) 1., 51.03 (6) (a), 55.043 (1m) (a) 4., 146.81
5 (1) (hg), 146.89 (1) (r) 6., 146.89 (1) (r) 7., 146.997 (1) (d) 11., 180.1901 (1m) (f),
6 252.14 (1) (ar) 7., 252.15 (1) (er), 253.10 (2) (f), 256.215 (2) (b), 257.01 (1) (a),
7 257.01 (1) (b), 303.08 (1) (f), 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13)
8 (b) (intro.), 440.03 (14) (am), 440.043 (1), 440.094 (1) (c) 14., 440.15, 446.01 (1v)
9 (m), 448.08 (4), 448.67 (4), 450.10 (3) (a) 10., chapter 457 (title), 457.01 (intro.),
10 457.01 (1g), 457.01 (1w), 457.01 (2r), 457.01 (7), 457.02 (intro.), (1), (2), (3), (4)
11 and (6) (c), 457.03 (1), (1m) and (2), 457.033, 457.035 (1), 457.04 (1), (2), (3), (4),
12 (5) (a) and (b) and (7), 457.04 (6), 457.04 (7), 457.06 (intro.), 457.09 (2) (b) and
13 (4) (b) 1. and 2., 457.12 (title), 457.13 (1) (c), 457.14 (1) (f), 457.15 (3), 457.20 (1)
14 and (2), 457.24 (1), 457.26 (1) and (2) (intro.) and (h), 632.89 (1) (dm), 632.89 (1)

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1 (e) 4., 800.035 (2m), 905.04 (1) (bm), 905.04 (1) (dm) and 905.04 (1) (g); and **to**
 2 **create** 14.896, 440.03 (11m) (c) 2u., 440.03 (13) (c) 1. i., subchapter I (title) of
 3 chapter 457 [precedes 457.01], 457.01 (1t), 457.01 (5m), 457.12 (1m) (bm) and
 4 (2m) to (4m), 457.16 (1) (b), 457.18 and subchapter II of chapter 457 [precedes
 5 457.50] of the statutes; **relating to:** ratification of the Counseling Compact.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Occupational Licenses.

This bill ratifies and enters Wisconsin into the Counseling Compact, which provides for the ability of a professional counselor to become eligible to practice in other compact states. Significant provisions of the compact include the following:

1. The creation of a Counseling Compact Commission, which includes one member or administrator of the licensure boards of each member state. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating binding rules for the compact, employing officers and 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 other parties to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a professional counselor to obtain a "privilege to practice," which allows a professional counselor to practice professional counseling in another compact state (remote state) if the professional counselor satisfies certain criteria. The compact specifies a number of requirements in order for a professional counselor to exercise a privilege to practice, including holding a professional counselor license in a home state, not having any encumbrances or restrictions against a license or privilege in the previous two years, and paying any fees and meeting any jurisprudence requirements that may be imposed by a remote state. A professional counselor practicing in a remote state under a privilege to practice must adhere to the laws and regulations, including the scope of practice, of that state. A remote state may, in accordance with that state's laws, remove a professional counselor's privilege to practice in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens. If a professional counselor's license is encumbered, the counselor loses the privilege to practice in all remote states until certain criteria are satisfied. If a professional counselor's privilege to practice in any remote state is removed, the counselor may lose the privilege to practice in all other remote states until certain criteria are satisfied.

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

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4. The creation of a coordinated database and reporting system containing licensure and disciplinary action information on professional counselors. The compact requires all home state disciplinary orders that impose adverse actions to be reported to the commission. 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 between 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 that a withdrawal does not take effect until six months after the effective date of that repeal.

1 **SECTION 1.** 14.896 of the statutes is created to read:

2 **14.896 Counseling compact.** There is created a counseling compact
3 commission as specified in s. 457.50. The delegate on the commission representing
4 this state shall be appointed by the marriage and family therapy, professional
5 counseling, and social work examining board as provided in s. 457.50 (9) (b) 1. and
6 shall be an individual described in s. 457.50 (9) (b) 2. a. or b. The commission has the
7 powers and duties granted and imposed under s. 457.50.

8 **SECTION 2.** 15.405 (7c) (a) 1. of the statutes is amended to read:

9 15.405 (7c) (a) 1. Four social worker members who are certified or licensed
10 under subch. I of ch. 457.

11 **SECTION 3.** 15.405 (7c) (a) 2. of the statutes is amended to read:

12 15.405 (7c) (a) 2. Three marriage and family therapist members who are
13 licensed under subch. I of ch. 457.

14 **SECTION 4.** 15.405 (7c) (a) 3. of the statutes is amended to read:

15 15.405 (7c) (a) 3. Three professional counselor members who are licensed
16 under subch. I of ch. 457.

17 **SECTION 5.** 15.405 (7c) (a) 4. of the statutes is amended to read:

SENATE BILL 196**SECTION 5**

1 15.405 (7c) (a) 4. Three public members who represent groups that promote the
2 interests of consumers of services provided by persons who are certified or licensed
3 under subch. I of ch. 457.

4 **SECTION 6.** 15.405 (7c) (am) 1. of the statutes is amended to read:

5 15.405 (7c) (am) 1. At least one member who is certified under subch. I of ch.
6 457 as an advanced practice social worker.

7 **SECTION 7.** 15.405 (7c) (am) 3. of the statutes is amended to read:

8 15.405 (7c) (am) 3. At least one member who is licensed under subch. I of ch.
9 457 as a clinical social worker.

10 **SECTION 8.** 15.405 (7c) (c) of the statutes is amended to read:

11 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
12 suspending, or revoking a certificate or license under subch. I of ch. 457, and all other
13 matters of interest to either the social worker, marriage and family therapist, or
14 professional counselor section shall be acted upon solely by the interested section of
15 the examining board.

16 **SECTION 9.** 46.90 (4) (ab) 4. of the statutes is amended to read:

17 46.90 (4) (ab) 4. A social worker, professional counselor, or marriage and family
18 therapist certified under subch. I of ch. 457 or a professional counselor who is
19 exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.

20 **SECTION 10.** 48.56 (2) of the statutes is amended to read:

21 48.56 (2) Each county department shall employ personnel who devote all or
22 part of their time to child welfare services. Whenever possible, these personnel shall
23 be social workers certified under subch. I of ch. 457.

24 **SECTION 11.** 48.561 (2) of the statutes is amended to read:

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1 48.561 (2) The department shall employ personnel in a county having a
2 population of 750,000 or more who devote all of their time directly or indirectly to
3 child welfare services. Whenever possible, these personnel shall be social workers
4 certified under subch. I of ch. 457.

5 **SECTION 12.** 49.45 (30j) (a) 1. of the statutes is amended to read:

6 49.45 (30j) (a) 1. “Competent mental health professional” means a physician
7 who has completed a residence in psychiatry; a psychologist; a private practice school
8 psychologist who is licensed under ch. 455; a marriage and family therapist who is
9 licensed under s. 457.10 or 457.11; a professional counselor who is licensed under s.
10 457.12 or 457.13 or who is exercising the professional counselor privilege to practice,
11 as defined in s. 457.50 (2) (s), in this state; an advanced practice social worker
12 granted who holds a certificate under s. 457.08 (2); an independent social worker
13 granted who holds a certificate under s. 457.08 (3); a clinical social worker who is
14 licensed under s. 457.08 (4); 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 ~~or~~, certificate, or privilege
19 is suspended, revoked, or voluntarily surrendered, or whose license ~~or~~, certificate, or
20 privilege is limited or restricted, when practicing in areas prohibited by the
21 limitation or restriction.

22 **SECTION 13.** 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
25 practice school psychologist who is licensed under ch. 455; a marriage and family

SENATE BILL 196**SECTION 13**

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

12 **SECTION 14.** 55.043 (1m) (a) 4. of the statutes is amended to read:

13 55.043 **(1m)** (a) 4. A social worker, professional counselor, or marriage and
14 family therapist certified under subch. I of ch. 457 or a professional counselor who
15 is exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.

16 **SECTION 15.** 146.81 (1) (hg) of the statutes is amended to read:

17 146.81 **(1)** (hg) A social worker, marriage and family therapist, or professional
18 counselor certified or licensed under subch. I of ch. 457 or a professional counselor
19 who is exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.

20 **SECTION 16.** 146.89 (1) (r) 6. of the statutes is amended to read:

21 146.89 **(1)** (r) 6. A social worker who holds a certificate granted under subch.
22 I of ch. 457.

23 **SECTION 17.** 146.89 (1) (r) 7. of the statutes is amended to read:

24 146.89 **(1)** (r) 7. A marriage and family therapist who is licensed under subch.
25 I of ch. 457 or a professional counselor who is licensed under subch. I of ch. 457.

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1 **SECTION 18.** 146.997 (1) (d) 11. of the statutes is amended to read:

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

5 **SECTION 19.** 180.1901 (1m) (f) of the statutes is amended to read:

6 180.1901 (1m) (f) Marriage and family therapy, professional counseling, and
7 social work examining board under subch. I of ch. 457.

8 **SECTION 20.** 252.14 (1) (ar) 7. of the statutes is amended to read:

9 252.14 (1) (ar) 7. A social worker, marriage and family therapist, or
10 professional counselor certified or licensed under subch. I of ch. 457 or a professional
11 counselor who is exercising the privilege to practice, as defined in s. 457.50 (2) (s),
12 in this state.

13 **SECTION 21.** 252.15 (1) (er) of the statutes is amended to read:

14 252.15 (1) (er) “Social worker” means an individual who is certified or licensed
15 as a social worker, advanced practice social worker, independent social worker, or
16 clinical social worker under subch. I of ch. 457.

17 **SECTION 22.** 253.10 (2) (f) of the statutes is amended to read:

18 253.10 (2) (f) “Qualified person assisting the physician” means a social worker
19 certified under subch. I of ch. 457, a registered nurse or a physician assistant to
20 whom a physician who is to perform or induce an abortion has delegated the
21 responsibility, as the physician’s agent, for providing the information required under
22 sub. (3) (c) 2.

23 **SECTION 23.** 256.215 (2) (b) of the statutes is amended to read:

24 256.215 (2) (b) The emergency medical services provider establishes, submits
25 to the department, and maintains patient care protocols corresponding to the

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1 appropriate service level to be used by a community paramedic or a community
2 emergency medical services practitioner. The emergency medical services provider
3 may include in a patient care protocol only those services that do not require a
4 license, certificate, or other credential under subch. II, III, IV, or VII of ch. 448, subch.
5 I of ch. 457, or ch. 441, 446, 447, 449, 450, 451, 455, ~~457~~, or 459 to provide.

6 **SECTION 24.** 257.01 (1) (a) of the statutes is amended to read:

7 257.01 (1) (a) An individual who, under ch. 455, is licensed as a psychologist
8 or, under subch. I of ch. 457, is certified as a social worker or licensed as a clinical
9 social worker, a marriage and family therapist, or a professional counselor.

10 **SECTION 25.** 257.01 (1) (b) of the statutes is amended to read:

11 257.01 (1) (b) An individual who was at any time within the previous 10 years,
12 but is not currently, licensed as a psychologist under ch. 455 or certified as a social
13 worker or licensed as a clinical social worker, a marriage and family therapist, or a
14 professional counselor under subch. I of ch. 457, if the individual's license or
15 certification was never revoked, limited, suspended, or denied renewal.

16 **SECTION 26.** 303.08 (1) (f) of the statutes is amended to read:

17 303.08 (1) (f) Obtaining counseling or therapy from an approved public
18 treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment
19 facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a licensed clinical
20 social worker, a professional counselor ~~licensed under ch. 457~~, as defined in s. 457.01
21 (7), or a certified independent or advanced practice social worker who is authorized
22 to practice psychotherapy under subch. I of ch. 457.

23 **SECTION 27.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

24 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),
25 the department shall, biennially, determine each fee for an initial credential for

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1 which no examination is required, for a reciprocal credential, and for a credential
2 renewal and any fees imposed under ss. 448.986 (2) and, 448.9875 (2), and 457.51 (2)
3 by doing all of the following:

4 **SECTION 28.** 440.03 (9) (a) 2. of the statutes is amended to read:

5 440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,
6 adjusting for the succeeding fiscal biennium each fee for an initial credential for
7 which an examination is not required, for a reciprocal credential, and, subject to s.
8 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2)
9 and, 448.9875 (2), and 457.51 (2), if an adjustment is necessary to reflect the
10 approximate administrative and enforcement costs of the department that are
11 attributable to the regulation of the particular occupation or business during the
12 period in which the initial or reciprocal credential, credential renewal, or compact
13 privilege is in effect and, for purposes of each fee for a credential renewal, to reflect
14 an estimate of any additional moneys available for the department's general
15 program operations as a result of appropriation transfers that have been or are
16 estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress
17 at the time of the deadline for an adjustment under this subdivision or during the
18 fiscal biennium beginning on the July 1 immediately following the deadline for an
19 adjustment under this subdivision.

20 **SECTION 29.** 440.03 (11m) (c) 2u. of the statutes is created to read:

21 440.03 (11m) (c) 2u. The coordinated database and reporting system under s.
22 457.50 (10), if such disclosure is required under the counseling compact under s.
23 457.50.

24 **SECTION 30.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

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1 440.03 (13) (b) (intro.) The department may investigate whether an applicant
2 for or holder of any of the following credentials has been charged with or convicted
3 of a crime only pursuant to rules promulgated by the department under this
4 paragraph, including rules that establish the criteria that the department will use
5 to determine whether an investigation under this paragraph is necessary, except as
6 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,
7 448.987 (3) (a) 5. a. and (5) (b) 2. a., ~~and~~ 455.50 (3) (e) 4. and (f) 4., and 457.50 (3) (b)
8 3. and (5) (b) 2. a.:

9 **SECTION 31.** 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1.
10 (intro.) and amended to read:

11 440.03 (13) (c) 1. (intro.) The department shall require an all of the following
12 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
13 set of the person's fingerprints:

14 a. An applicant for a private detective license or a private security permit under
15 s. 440.26, ~~an.~~

16 b. An applicant for a juvenile martial arts instructor permit under sub. (17),
17 ~~an.~~

18 c. An applicant for a real estate appraiser certification under s. 458.06 or
19 license under s. 458.08, ~~an.~~

20 d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), ~~an.~~

21 e. An applicant for a compact license under s. 448.05 (2) (f), ~~an.~~

22 f. An applicant for a physical therapist license under s. 448.53 or physical
23 therapist assistant license under s. 448.535, ~~an.~~

24 g. An applicant for an occupational therapist or occupational therapy assistant
25 compact privilege under s. 448.987 (4), and an applicant for an occupational

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1 therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2.

2 a., an

3 h. An applicant for a psychologist license under s. 455.04, and a.

4 z. A person for whom the department conducts an investigation under par. (b),
5 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
6 set of the person's fingerprints.

7 2. The department of justice may submit the fingerprint cards, and the
8 department of justice shall submit the fingerprint cards of all applicants for a real
9 estate appraiser certification under s. 458.06 or license under s. 458.08, of all
10 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants
11 for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist
12 license under s. 448.53 or a physical therapist assistant license under s. 448.535, and
13 of all applicants for a psychologist license under s. 455.04 identified in subd. 1. c. to
14 i., to the federal bureau of investigation for the purpose of verifying the identity of
15 the persons fingerprinted and obtaining records of their criminal arrests and
16 convictions.

17 3. Information obtained from the federal bureau of investigation may be shared
18 with the department or the appropriate credentialing board, but shall otherwise be
19 kept confidential and is not subject to disclosure under s. 19.35.

20 **SECTION 32.** 440.03 (13) (c) 1. i. of the statutes is created to read:

21 440.03 (13) (c) 1. i. An applicant for a professional counselor license or privilege
22 to practice under s. 457.12 when required pursuant to the counseling compact under
23 s. 457.50.

24 **SECTION 33.** 440.03 (14) (am) of the statutes is amended to read:

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1 440.03 (14) (am) The department may promulgate rules that establish
2 requirements for granting a license to practice psychotherapy to a person who is
3 registered under par. (a). Rules promulgated under this paragraph shall establish
4 requirements for obtaining such a license that are comparable to the requirements
5 for obtaining a clinical social worker, marriage and family therapist, or professional
6 counselor license under subch. I of ch. 457. If the department promulgates rules
7 under this paragraph, the department shall grant a license under this paragraph to
8 a person registered under par. (a) who pays the initial credential fee determined by
9 the department under s. 440.03 (9) (a) and provides evidence satisfactory to the
10 department that he or she satisfies the requirements established in the rules.

11 **SECTION 34.** 440.043 (1) of the statutes is amended to read:

12 440.043 (1) The secretary shall appoint an advisory committee under s.
13 440.042 to provide advice concerning behavioral health. The advisory committee
14 shall semiannually conduct a review of the requirements for obtaining a credential
15 under s. 440.88 or subch. I of ch. 457 or for other credentials related to behavioral
16 health.

17 **SECTION 35.** 440.094 (1) (c) 14. of the statutes is amended to read:

18 440.094 (1) (c) 14. A social worker, marriage and family therapist, or
19 professional counselor certified or licensed under subch. I of ch. 457 or a clinical
20 substance abuse counselor certified under s. 440.88.

21 **SECTION 36.** 440.15 of the statutes is amended to read:

22 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
23 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b)
24 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., and 455.50 (3) (e) 4. and (f) 4., and 457.50
25 (3) (b) 3. and (5) (b) 2. a., the department or a credentialing board may not require

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1 that an applicant for a credential or a credential holder be fingerprinted or submit
2 fingerprints in connection with the department's or the credentialing board's
3 credentialing.

4 **SECTION 37.** 446.01 (1v) (m) of the statutes is amended to read:

5 446.01 (1v) (m) Marriage and family therapy, professional counseling, and
6 social work examining board under subch. I of ch. 457. "Health care professional"
7 also includes an individual who is exercising the professional counselor privilege to
8 practice, as defined in s. 457.50 (2) (s), in this state.

9 **SECTION 38.** 448.08 (4) of the statutes is amended to read:

10 448.08 (4) PROFESSIONAL PARTNERSHIPS AND CORPORATIONS PERMITTED.
11 Notwithstanding any other provision in this section, it is lawful for 2 or more
12 physicians, who have entered into a bona fide partnership for the practice of
13 medicine, to render a single bill for such services in the name of such partnership,
14 and it also is lawful for a service corporation to render a single bill for services in the
15 name of the corporation, provided that each individual licensed, registered or
16 certified under this chapter, subch. I of ch. 457, or ch. 446, 449, 450, 455, 457 or 459
17 that renders billed services is individually identified as having rendered such
18 services.

19 **SECTION 39.** 448.67 (4) of the statutes is amended to read:

20 448.67 (4) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS. If 2 or
21 more podiatrists have entered into a bona fide partnership or formed a service
22 corporation for the practice of podiatry, the partnership or corporation may not
23 render a single bill for podiatry services provided in the name of the partnership or
24 corporation unless each individual licensed, registered or certified under this

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SECTION 39

1 chapter, subch. I of ch. 457, or ch. 446, 449, 450, 455, 457 or 459, who provided
2 services is individually identified on the bill as having rendered those services.

3 **SECTION 40.** 450.10 (3) (a) 10. of the statutes is amended to read:

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

8 **SECTION 41.** Chapter 457 (title) of the statutes is amended to read:

9 **CHAPTER 457**

10 **MARRIAGE AND FAMILY THERAPY,**

11 **PROFESSIONAL COUNSELING, AND**

12 **SOCIAL WORK EXAMINING BOARD**

13 **SECTION 42.** Subchapter I (title) of chapter 457 [precedes 457.01] of the statutes
14 is created to read:

15 **CHAPTER 457**

16 **SUBCHAPTER I**

17 **REGULATION OF MARRIAGE AND**

18 **FAMILY THERAPY, PROFESSIONAL**

19 **COUNSELING, AND SOCIAL WORK**

20 **SECTION 43.** 457.01 (intro.) of the statutes is amended to read:

21 **457.01 Definitions.** (intro.) In this chapter subchapter:

22 **SECTION 44.** 457.01 (1g) of the statutes is amended to read:

23 457.01 (1g) “Certificate holder” means an individual who is certified under this
24 chapter subchapter.

25 **SECTION 45.** 457.01 (1t) of the statutes is created to read:

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1 457.01 (1t) “Compact” means the counseling compact under s. 457.50.

2 **SECTION 46.** 457.01 (1w) of the statutes is amended to read:

3 457.01 (1w) “Credential” means a license ~~or~~, certificate, or privilege to practice
4 granted under this ~~chapter~~ subchapter.

5 **SECTION 47.** 457.01 (2r) of the statutes is amended to read:

6 457.01 (2r) “Licensee” means a person who is licensed under this ~~chapter~~
7 subchapter.

8 **SECTION 48.** 457.01 (5m) of the statutes is created to read:

9 457.01 (5m) “Privilege to practice” has the meaning given in s. 457.50 (2) (s).

10 **SECTION 49.** 457.01 (7) of the statutes is amended to read:

11 457.01 (7) “Professional counselor” means an individual who holds a license to
12 practice professional counseling granted by the professional counselor section or who
13 holds a valid professional counselor privilege to practice in this state.

14 **SECTION 50.** 457.02 (intro.), (1), (2), (3), (4) and (6) (c) of the statutes are
15 amended to read:

16 **457.02 Applicability.** (intro.) This ~~chapter~~ subchapter does not do any of the
17 following:

18 **(1)** Require any individual to be certified or licensed under this ~~chapter~~
19 subchapter in order to use the title “pastoral counselor,” “investment counselor,”
20 “vocational counselor,” “career counselor,” “alcohol and drug counselor,” “chemical
21 dependency counselor,” or “employee assistance counselor,” or to engage in such
22 counseling, if the individual does not use any other title or designation that
23 represents or may tend to represent that he or she is certified or licensed under this
24 ~~chapter~~ subchapter, and does not represent himself or herself as an individual who

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1 engages in social work, advanced practice social work, independent social work,
2 clinical social work, marriage and family therapy, or professional counseling.

3 (2) Require any individual who is licensed as a school social worker or school
4 counselor by the department of public instruction to be certified or licensed under
5 this ~~chapter~~ subchapter in order to use the title “school social worker” or “school
6 counselor.”

7 (3) Require a person who is a psychologist or a psychiatrist to be licensed under
8 this ~~chapter~~ subchapter in order to use the title “marriage and family therapist,”
9 “marriage and family counselor,” or “professional counselor” if the psychologist or
10 psychiatrist does not use the term “licensed,” “certified,” or “registered” or any
11 similar term in connection with the title “marriage and family therapist,” “marriage
12 and family counselor,” or “professional counselor.”

13 (4) Authorize any individual who is certified or licensed under this ~~chapter~~
14 subchapter to use the title “school social worker” or “school counselor” unless the
15 individual is licensed as a school social worker or school counselor by the department
16 of public instruction.

17 (6) (c) Provide a consultation or demonstration with an individual licensed
18 under this ~~chapter~~ subchapter if the person providing the consultation or
19 demonstration is licensed to practice marriage and family therapy, professional
20 counseling, or clinical social work in another state or territory of the United States.

21 **SECTION 51.** 457.03 (1), (1m) and (2) of the statutes are amended to read:

22 457.03 (1) Upon the advice of the social worker section, marriage and family
23 therapist section, and professional counselor section, promulgate rules establishing
24 minimum standards for educational programs that must be completed for
25 certification or licensure under this ~~chapter~~ subchapter and for supervised clinical

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1 training that must be completed for licensure as a clinical social worker, marriage
2 and family therapist, or professional counselor under this ~~chapter~~ subchapter and
3 approve educational programs and supervised clinical training programs in
4 accordance with those standards.

5 (1m) Upon the advice of the social worker section, marriage and family
6 therapist section, and professional counselor section, and consistent with s. 457.16,
7 promulgate rules establishing examination requirements for certification and
8 licensure under this ~~chapter~~ subchapter.

9 (2) Upon the advice of the social worker section, marriage and family therapist
10 section, and professional counselor section, promulgate rules establishing a code of
11 ethics to govern the professional conduct of certificate holders and licensees. The
12 rules shall specify the services included within the practice of social work, advanced
13 practice social work, or independent social work that an individual who is certified
14 under this ~~chapter~~ subchapter as a social worker, advanced practice social worker,
15 or independent social worker may perform and the degree of supervision, if any,
16 required to perform those services.

17 **SECTION 52.** 457.033 of the statutes is amended to read:

18 **457.033 Psychometric testing.** The marriage and family therapy,
19 professional counseling, and social work examining board and the psychology
20 examining board shall jointly promulgate rules that specify the different levels of
21 psychometric testing that an individual who is certified or licensed under this
22 ~~chapter~~ subchapter, or an individual who holds a valid professional counselor
23 privilege to practice in this state, is qualified to perform. Such rules shall be
24 consistent with the guidelines of the American Psychological Association, or other
25 nationally recognized guidelines, for performing psychometric testing. A certificate

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1 holder ~~or~~, licensee, or holder of a professional counselor privilege to practice may not
2 engage in psychometric testing except as provided under the rules promulgated
3 under this section.

4 **SECTION 53.** 457.035 (1) of the statutes is amended to read:

5 457.035 (1) The individual is licensed under this ~~chapter~~ subchapter as a
6 clinical social worker, marriage and family therapist, or professional counselor or
7 holds a valid professional counselor privilege to practice in this state.

8 **SECTION 54.** 457.04 (1), (2), (3), (4), (5) (a) and (b) and (7) of the statutes are
9 amended to read:

10 457.04 (1) Use the title “social worker” unless the person is certified as a social
11 worker under this ~~chapter~~ subchapter.

12 (2) Use the title “advanced practice social worker” unless the person is certified
13 as an advanced practice social worker under this ~~chapter~~ subchapter.

14 (3) Use the title “independent social worker” unless the person is certified as
15 an independent social worker under this ~~chapter~~ subchapter.

16 (4) Practice clinical social work or designate himself or herself as a clinical
17 social worker or use or assume the title “clinical social worker” or any other title or
18 designation that represents or may tend to represent the person as a clinical social
19 worker unless the person is licensed as a clinical social worker under this ~~chapter~~
20 subchapter or unless the person is certified under this ~~chapter~~ subchapter as an
21 advanced practice social worker or independent social worker and the person
22 practices clinical social work under the supervision of a person who is licensed as a
23 clinical social worker under this ~~chapter~~ subchapter.

24 (5) (a) The person is licensed as a marriage and family therapist under this
25 ~~chapter~~ subchapter.

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1 (b) The person is licensed as a clinical social worker under this ~~chapter~~
2 subchapter and initially became certified as an independent clinical social worker
3 under ch. 457, 1999 stats., on or before May 31, 1995.

4 (7) Practice psychotherapy unless the person is licensed under this ~~chapter~~
5 subchapter or unless the person is a certificate holder who may practice
6 psychotherapy under the rules promulgated under ss. 457.03 and 457.035.

7 **SECTION 55.** 457.04 (6) of the statutes is amended to read:

8 457.04 (6) Practice professional counseling or designate himself or herself as
9 a professional counselor or use or assume the title “professional counselor,”
10 “professional rehabilitation counselor,” “vocational rehabilitation counselor,”
11 “rehabilitation counselor,” or any other title or designation that represents or may
12 tend to represent the person as a professional counselor unless the person is licensed
13 as a professional counselor under this ~~chapter~~ subchapter or holds a valid
14 professional counselor privilege to practice in this state.

15 **SECTION 56.** 457.04 (7) of the statutes is amended to read:

16 457.04 (7) Practice psychotherapy unless the person is licensed under this
17 chapter, holds a valid professional counselor privilege to practice in this state, or
18 ~~unless the person is a certificate holder who may practice psychotherapy under the~~
19 ~~rules promulgated under ss. 457.03 and 457.035.~~

20 **SECTION 57.** 457.06 (intro.) of the statutes is amended to read:

21 **457.06 General requirements for certification or licensure.** (intro.) The
22 social worker section, marriage and family therapist section, or professional
23 counselor section may not grant any certificate or license under this ~~chapter~~
24 subchapter unless the applicant does all of the following:

SENATE BILL 196**SECTION 58**

1 **SECTION 58.** 457.09 (2) (b) and (4) (b) 1. and 2. of the statutes are amended to
2 read:

3 457.09 **(2)** (b) A social worker training certificate holder is a social worker
4 certified under this ~~chapter~~ subchapter for purposes of any law governing social
5 workers certified under this ~~chapter~~ subchapter.

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

9 2. One year of social work employment that involves direct practice with clients
10 and that is supervised by a social worker certified under this ~~chapter~~ subchapter who
11 has a bachelor's or master's degree in social work.

12 **SECTION 59.** 457.12 (title) of the statutes is amended to read:

13 **457.12** (title) **Professional counselor license; privilege to practice.**

14 **SECTION 60.** 457.12 of the statutes is renumbered 457.12 (1m), and 457.12 (1m)
15 (intro.), (a), (b), (c) (intro.), 1. d. and 2. d. and (d), as renumbered, are amended to read:

16 457.12 **(1m)** LICENSE. (intro.) The professional counselor section shall, subject
17 to sub. (4m), grant a professional counselor license to any individual ~~who does to~~
18 whom all of the following apply:

19 (a) ~~Satisfies~~ The individual satisfies the requirements in s. 457.06.

20 (b) ~~Submits~~ The individual submits evidence satisfactory to the professional
21 counselor section that he or she has received a master's or doctorate degree in
22 professional counseling or its equivalent from a program approved by the
23 professional counselor section.

24 (c) (intro.) ~~Submits~~ The individual submits evidence satisfactory to the
25 professional counselor section that he or she has done any of the following:

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1 1. d. An individual, other than an individual specified in subd. ~~1., 2., or 3.~~ a.,
2 b., or c., who is approved by the professional counselor section or satisfies
3 requirements for supervision that are specified in rules promulgated by the
4 examining board upon the advice of the professional counselor section.

5 2. d. An individual, other than an individual specified in subd. ~~1., 2., or 3.~~ a.,
6 b., or c., who is approved by the professional counselor section or satisfies
7 requirements for supervision that are specified in rules promulgated by the
8 examining board upon the advice of the professional counselor section.

9 (d) ~~Passes~~ The individual passes one or more examinations under s. 457.16
10 approved by the professional counselor section to determine minimum competence
11 to practice professional counseling.

12 **SECTION 61.** 457.12 (1m) (bm) and (2m) to (4m) of the statutes are created to
13 read:

14 457.12 **(1m)** (bm) The individual does not, subject to ss. 111.321, 111.322, and
15 111.335, have a conviction record.

16 **(2m)** LICENSE BASED UPON PRIVILEGE TO PRACTICE. The professional counselor
17 section shall grant a professional counselor license to any individual to whom all of
18 the following apply:

19 (a) The individual satisfies the requirements in s. 457.06.

20 (b) The individual holds a home state license in another state that is a party
21 to the compact, has changed his or her primary state of residence to this state, and
22 satisfies all other requirements under s. 457.50 (5).

23 (bm) The individual does not, subject to ss. 111.321, 111.322, and 111.335, have
24 a conviction record.

SENATE BILL 196**SECTION 61**

1 (d) The individual passes an examination described under s. 457.16 (1) (b), if
2 required.

3 **(3m)** PRIVILEGE TO PRACTICE. The professional counselor section shall grant a
4 professional counselor privilege to practice to any individual to whom all of the
5 following apply:

6 (a) The individual holds an unencumbered home state license in another state
7 that is a party to the compact and satisfies all other requirements under s. 457.50
8 (4).

9 (b) The individual applies for the privilege to practice in the manner prescribed
10 by the department.

11 (c) The individual pays any fee established by the department under s. 457.51
12 (2).

13 (d) The individual passes an examination described under s. 457.16 (1) (b), if
14 required.

15 **(4m)** TYPES OF LICENSE. (a) A professional counselor license granted under sub.
16 (1m) may be either of the following:

17 1. A license that, subject to s. 457.50 (4), entitles the holder to obtain and
18 exercise a privilege to practice in other states that are parties to the compact.

19 2. A single-state license, which only entitles the holder to practice in this state.
20 Nothing in the compact applies to the holder of a single-state license unless
21 otherwise applicable under this subchapter.

22 (b) When applying for a license under sub. (1m), an individual shall specify
23 whether he or she is applying for a license under par. (a) 1. or 2.

24 **SECTION 62.** 457.13 (1) (c) of the statutes is amended to read:

25 457.13 (1) (c) Satisfies the requirements in s. 457.12 ~~(2)~~ (1m) (b).

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1 **SECTION 63.** 457.14 (1) (f) of the statutes is amended to read:

2 457.14 (1) (f) Satisfies the requirements under s. 457.12 (1) ~~to (3)~~ (1m) (a) to
3 (c) and has submitted an application to take the next available examination for
4 licensure under s. 457.12 ~~(4)~~ (1m) (d).

5 **SECTION 64.** 457.15 (3) of the statutes is amended to read:

6 457.15 (3) Upon application and payment of the fee specified in s. 440.05 (2),
7 the professional counselor section may grant a professional counselor license to any
8 individual who holds a similar certificate or license in another state or territory of
9 the United States and who passes an examination approved by the professional
10 counselor section that tests knowledge of state law relating to professional
11 counseling, if the professional counselor section determines that the requirements
12 for obtaining the certificate or license in the other state or territory are substantially
13 equivalent to the requirements under s. 457.12 (1m).

14 **SECTION 65.** 457.16 (1) of the statutes is renumbered 457.16 (1) (a).

15 **SECTION 66.** 457.16 (1) (b) of the statutes is created to read:

16 457.16 (1) (b) The professional counselor section may, in accordance with par.
17 (a), arrange for an examination that tests an applicant's knowledge of state law
18 relating to the practice of professional counseling in accordance with s. 457.51 (3),
19 if such an examination is required for applicants for licensure under s. 457.12 (1m).

20 **SECTION 67.** 457.18 of the statutes is created to read:

21 **457.18 Practice under compact.** An individual who holds a valid privilege
22 to practice in this state may, subject to s. 457.51 (4), do any of the following:

23 **(1)** Practice professional counseling in this state, subject to s. 457.50 (4).

24 **(2)** Practice professional counseling in this state via telehealth, as defined in
25 s. 457.50 (2) (y), subject to s. 457.50 (7).

SENATE BILL 196**SECTION 68**

1 **SECTION 68.** 457.20 (1) and (2) of the statutes are amended to read:

2 457.20 (1) The department shall issue a certificate of certification or licensure
3 to each individual who is certified or licensed under this ~~chapter~~ subchapter.

4 (2) The renewal dates for certificates and licenses granted under this ~~chapter~~
5 subchapter, other than training certificates and licenses or temporary certificates or
6 licenses, are specified under s. 440.08 (2) (a).

7 **SECTION 69.** 457.24 (1) of the statutes is amended to read:

8 457.24 (1) Except as provided in sub. (2), a person licensed as a clinical social
9 worker, marriage and family therapist, or professional counselor under this ~~chapter~~
10 subchapter or who is exercising the professional counselor privilege to practice in
11 this state may not practice clinical social work, marriage and family therapy, or
12 professional counseling unless he or she has in effect professional liability insurance.
13 The examining board shall promulgate rules establishing the minimum amount of
14 insurance required under this subsection.

15 **SECTION 70.** 457.26 (1) and (2) (intro.) and (h) of the statutes are amended to
16 read:

17 457.26 (1) Subject to the rules promulgated under s. 440.03 (1), the appropriate
18 section of the examining board may make investigations and conduct hearings to
19 determine whether a violation of this ~~chapter~~ subchapter or any rule promulgated
20 under this ~~chapter~~ subchapter has occurred.

21 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the appropriate
22 section of the examining board may reprimand a credential holder or deny, limit,
23 suspend, or revoke a credential under this ~~chapter~~ subchapter if it finds that the
24 applicant or credential holder has done any of the following:

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1 (h) Violated this ~~chapter~~ subchapter or any rule promulgated under this
2 ~~chapter~~ subchapter.

3 **SECTION 71.** Subchapter II of chapter 457 [precedes 457.50] of the statutes is
4 created to read:

5 **CHAPTER 457**

6 **SUBCHAPTER II**

7 **COUNSELING COMPACT**

8 **457.50 Counseling compact. (1) PURPOSE.** The purpose of this compact is
9 to facilitate interstate practice of licensed professional counselors with the goal of
10 improving public access to professional counseling services. The practice of
11 professional counseling occurs in the state where the client is located at the time of
12 the counseling services. The compact preserves the regulatory authority of states to
13 protect public health and safety through the current system of state licensure. This
14 compact is designed to achieve the following objectives:

15 (a) Increase public access to professional counseling services by providing for
16 the mutual recognition of other member state licenses;

17 (b) Enhance the states' ability to protect the public's health and safety;

18 (c) Encourage the cooperation of member states in regulating multistate
19 practice for licensed professional counselors;

20 (d) Support spouses of relocating active duty military personnel;

21 (e) Enhance the exchange of licensure, investigative, and disciplinary
22 information among member states;

23 (f) Allow for the use of telehealth technology to facilitate increased access to
24 professional counseling services;

SENATE BILL 196**SECTION 71**

1 (g) Support the uniformity of professional counseling licensure requirements
2 throughout the states to promote public safety and public health benefits;

3 (h) Invest all member states with the authority to hold a licensed professional
4 counselor accountable for meeting all state practice laws in the state in which the
5 client is located at the time care is rendered through the mutual recognition of
6 member state licenses;

7 (i) Eliminate the necessity for licenses in multiple states; and

8 (j) Provide opportunities for interstate practice by licensed professional
9 counselors who meet uniform licensure requirements.

10 **(2) DEFINITIONS.** As used in this section, and except as otherwise provided, the
11 following definitions apply:

12 (a) “Active duty military” means full-time duty status in the active uniformed
13 service of the United States, including members of the national guard and reserve
14 on active duty orders pursuant to 10 USC chs. 1209 and 1211.

15 (b) “Adverse action” means any administrative, civil, equitable or criminal
16 action permitted by a state’s laws which is imposed by a licensing board or other
17 authority against a licensed professional counselor, including actions against an
18 individual’s license or privilege to practice such as revocation, suspension, probation,
19 monitoring of the licensee, limitation on the licensee’s practice, or any other
20 encumbrance on licensure affecting a licensed professional counselor’s authorization
21 to practice, including issuance of a cease and desist action.

22 (c) “Alternative program” means a nondisciplinary monitoring or practice
23 remediation process approved by a professional counseling licensing board to
24 address impaired practitioners.

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1 (d) “Continuing competence/education” means a requirement, as a condition of
2 license renewal, to provide evidence of participation in, and/or completion of,
3 educational and professional activities relevant to practice or area of work.

4 (e) “Counseling compact commission” or “commission” means the national
5 administrative body whose membership consists of all states that have enacted the
6 compact.

7 (f) “Current significant investigative information” means any of the following:

8 1. Investigative information that a licensing board, after a preliminary inquiry
9 that includes notification and an opportunity for the licensed professional counselor
10 to respond, if required by state law, has reason to believe is not groundless and, if
11 proved true, would indicate more than a minor infraction; or

12 2. Investigative information that indicates that the licensed professional
13 counselor represents an immediate threat to public health and safety regardless of
14 whether the licensed professional counselor has been notified and had an
15 opportunity to respond.

16 (g) “Data system” means a repository of information about licensees, including,
17 but not limited to, continuing education, examination, licensure, investigative,
18 privilege to practice and adverse action information.

19 (h) “Encumbered license” means a license in which an adverse action restricts
20 the practice of licensed professional counseling by the licensee and said adverse
21 action has been reported to the national practitioners data bank (NPDB).

22 (i) “Encumbrance” means a revocation or suspension of, or any limitation on,
23 the full and unrestricted practice of licensed professional counseling by a licensing
24 board.

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1 (j) "Executive committee" means a group of directors elected or appointed to act
2 on behalf of, and within the powers granted to them by, the commission.

3 (k) "Home state" means the member state that is the licensee's primary state
4 of residence.

5 (L) "Impaired practitioner" means an individual who has a condition(s) that
6 may impair their ability to practice as a licensed professional counselor without some
7 type of intervention and may include, but is not limited to, alcohol and drug
8 dependence, mental health impairment, and neurological or physical impairments.

9 (m) "Investigative information" means information, records, and documents
10 received or generated by a professional counseling licensing board pursuant to an
11 investigation.

12 (n) "Jurisprudence requirement" if required by a member state, means the
13 assessment of an individual's knowledge of the laws and rules governing the practice
14 of professional counseling in a state.

15 (o) "Licensed professional counselor" means a counselor licensed by a member
16 state, regardless of the title used by that state, to independently assess, diagnose,
17 and treat behavioral health conditions.

18 (p) "Licensee" means an individual who currently holds an authorization from
19 the state to practice as a licensed professional counselor.

20 (q) "Licensing board" means the agency of a state, or equivalent, that is
21 responsible for the licensing and regulation of licensed professional counselors.

22 (r) "Member state" means a state that has enacted the compact.

23 (s) "Privilege to practice" means a legal authorization, which is equivalent to
24 a license, permitting the practice of professional counseling in a remote state.

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1 (t) “Professional counseling” means the assessment, diagnosis, and treatment
2 of behavioral health conditions by a licensed professional counselor.

3 (u) “Remote state” means a member state other than the home state, where a
4 licensee is exercising or seeking to exercise the privilege to practice.

5 (v) “Rule” means a regulation promulgated by the commission that has the
6 force of law.

7 (w) “Single state license” means a licensed professional counselor license
8 issued by a member state that authorizes practice only within the issuing state and
9 does not include a privilege to practice in any other member state.

10 (x) “State” means any state, commonwealth, district, or territory of the United
11 States of America that regulates the practice of professional counseling.

12 (y) “Telehealth” means the application of telecommunication technology to
13 deliver professional counseling services remotely to assess, diagnose, and treat
14 behavioral health conditions.

15 (z) “Unencumbered license” means a license that authorizes a licensed
16 professional counselor to engage in the full and unrestricted practice of professional
17 counseling.

18 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To participate in the compact, a
19 state must currently:

20 1. License and regulate licensed professional counselors.

21 2. Require licensees to pass a nationally recognized exam approved by the
22 commission.

23 3. Require licensees to have a 60 semester-hour (or 90 quarter-hour) master’s
24 degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course
25 work including the following topic areas:

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- 1 a. Professional counseling orientation and ethical practice;
 - 2 b. Social and cultural diversity;
 - 3 c. Human growth and development;
 - 4 d. Career development;
 - 5 e. Counseling and helping relationships;
 - 6 f. Group counseling and group work;
 - 7 g. Diagnosis and treatment; assessment and testing;
 - 8 h. Research and program evaluation; and
 - 9 i. Other areas as determined by the commission.
- 10 4. Require licensees to complete a supervised postgraduate professional
 - 11 experience as defined by the commission.
 - 12 5. Have a mechanism in place for receiving and investigating complaints about
 - 13 licensees.
- 14 (b) A member state shall:
 - 15 1. Participate fully in the commission's data system, including using the
 - 16 commission's unique identifier as defined in rules;
 - 17 2. Notify the commission, in compliance with the terms of the compact and
 - 18 rules, of any adverse action or the availability of investigative information regarding
 - 19 a licensee;
 - 20 3. Implement or utilize procedures for considering the criminal history records
 - 21 of applicants for an initial privilege to practice. These procedures shall include the
 - 22 submission of fingerprints or other biometric-based information by applicants for
 - 23 the purpose of obtaining an applicant's criminal history record information from the
 - 24 federal bureau of investigation and the agency responsible for retaining that state's
 - 25 criminal records;

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1 a. A member state must fully implement a criminal background check
2 requirement, within a time frame established by rule, by receiving the results of the
3 federal bureau of investigation record search and shall use the results in making
4 licensure decisions.

5 b. Communication between a member state, the commission and among
6 member states regarding the verification of eligibility for licensure through the
7 compact shall not include any information received from the federal bureau of
8 investigation relating to a federal criminal records check performed by a member
9 state under P. L. 92-544.

10 4. Comply with the rules of the commission;

11 5. Require an applicant to obtain or retain a license in the home state and meet
12 the home state's qualifications for licensure or renewal of licensure, as well as all
13 other applicable state laws;

14 6. Grant the privilege to practice to a licensee holding a valid unencumbered
15 license in another member state in accordance with the terms of the compact and
16 rules; and

17 7. Provide for the attendance of the state's commissioner to the counseling
18 compact commission meetings.

19 (c) Member states may charge a fee for granting the privilege to practice.

20 (d) Individuals not residing in a member state shall continue to be able to apply
21 for a member state's single state license as provided under the laws of each member
22 state. However, the single state license granted to these individuals shall not be
23 recognized as granting a privilege to practice professional counseling in any other
24 member state.

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1 (e) Nothing in this compact shall affect the requirements established by a
2 member state for the issuance of a single state license.

3 (f) A license issued to a licensed professional counselor by a home state to a
4 resident in that state shall be recognized by each member state as authorizing a
5 licensed professional counselor to practice professional counseling, under a privilege
6 to practice, in each member state.

7 **(4) PRIVILEGE TO PRACTICE.** (a) To exercise the privilege to practice under the
8 terms and provisions of the compact, the licensee shall:

9 1. Hold a license in the home state;

10 2. Have a valid United States social security number or national practitioner
11 identifier;

12 3. Be eligible for a privilege to practice in any member state in accordance with
13 pars. (d), (g), and (h);

14 4. Have not had any encumbrance or restriction against any license or privilege
15 to practice within the previous 2 years;

16 5. Notify the commission that the licensee is seeking the privilege to practice
17 within a remote state(s);

18 6. Pay any applicable fees, including any state fee, for the privilege to practice;

19 7. Meet any continuing competence/education requirements established by the
20 home state;

21 8. Meet any jurisprudence requirements established by the remote state(s) in
22 which the licensee is seeking a privilege to practice; and

23 9. Report to the commission any adverse action, encumbrance, or restriction on
24 license taken by any non-member state within 30 days from the date the action is
25 taken.

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1 (b) The privilege to practice is valid until the expiration date of the home state
2 license. The licensee must comply with the requirements of par. (a) to maintain the
3 privilege to practice in the remote state.

4 (c) A licensee providing professional counseling in a remote state under the
5 privilege to practice shall adhere to the laws and regulations of the remote state.

6 (d) A licensee providing professional counseling services in a remote state is
7 subject to that state's regulatory authority. A remote state may, in accordance with
8 due process and that state's laws, remove a licensee's privilege to practice in the
9 remote state for a specific period of time, impose fines, and/or take any other
10 necessary actions to protect the health and safety of its citizens. The licensee may
11 be ineligible for a privilege to practice in any member state until the specific time for
12 removal has passed and all fines are paid.

13 (e) If a home state license is encumbered, the licensee shall lose the privilege
14 to practice in any remote state until the following occur:

- 15 1. The home state license is no longer encumbered; and
16 2. Have not had any encumbrance or restriction against any license or privilege
17 to practice within the previous 2 years.

18 (f) Once an encumbered license in the home state is restored to good standing,
19 the licensee must meet the requirements of par. (a) to obtain a privilege to practice
20 in any remote state.

21 (g) If a licensee's privilege to practice in any remote state is removed, the
22 individual may lose the privilege to practice in all other remote states until the
23 following occur:

- 24 1. The specific period of time for which the privilege to practice was removed
25 has ended;

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1 2. All fines have been paid; and

2 3. Have not had any encumbrance or restriction against any license or privilege
3 to practice within the previous 2 years.

4 (h) Once the requirements of par. (g) have been met, the licensee must meet the
5 requirements in par. (a) to obtain a privilege to practice in a remote state.

6 **(5) OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE.** (a)
7 A licensed professional counselor may hold a home state license, which allows for a
8 privilege to practice in other member states, in only one member state at a time.

9 (b) If a licensed professional counselor changes primary state of residence by
10 moving between two member states:

11 1. The licensed professional counselor shall file an application for obtaining a
12 new home state license based on a privilege to practice, pay all applicable fees, and
13 notify the current and new home state in accordance with applicable rules adopted
14 by the commission.

15 2. Upon receipt of an application for obtaining a new home state license by
16 virtue of a privilege to practice, the new home state shall verify that the licensed
17 professional counselor meets the pertinent criteria outlined in sub. (4) via the data
18 system, without need for primary source verification except for:

19 a. A federal bureau of investigation fingerprint based criminal background
20 check if not previously performed or updated pursuant to applicable rules adopted
21 by the commission in accordance with P. L. 92-544;

22 b. Other criminal background check as required by the new home state; and

23 c. Completion of any requisite jurisprudence requirements of the new home
24 state.

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1 3. The former home state shall convert the former home state license into a
2 privilege to practice once the new home state has activated the new home state
3 license in accordance with applicable rules adopted by the commission.

4 4. Notwithstanding any other provision of this compact, if the licensed
5 professional counselor cannot meet the criteria in sub. (4), the new home state may
6 apply its requirements for issuing a new single state license.

7 5. The licensed professional counselor shall pay all applicable fees to the new
8 home state in order to be issued a new home state license.

9 (c) If a licensed professional counselor changes primary state of residence by
10 moving from a member state to a non-member state, or from a non-member state
11 to a member state, the state criteria shall apply for issuance of a single state license
12 in the new state.

13 (d) Nothing in this compact shall interfere with a licensee's ability to hold a
14 single state license in multiple states, however for the purposes of this compact, a
15 licensee shall have only one home state license.

16 (e) Nothing in this compact shall affect the requirements established by a
17 member state for the issuance of a single state license.

18 **(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.** Active duty military
19 personnel, or their spouse, shall designate a home state where the individual has a
20 current license in good standing. The individual may retain the home state
21 designation during the period the service member is on active duty. Subsequent to
22 designating a home state, the individual shall only change their home state through
23 application for licensure in the new state, or through the process outlined in sub. (5).

24 **(7) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.** (a) Member states shall
25 recognize the right of a licensed professional counselor, licensed by a home state in

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1 accordance with sub. (3) and under rules promulgated by the commission, to practice
2 professional counseling in any member state via telehealth under a privilege to
3 practice as provided in the compact and rules promulgated by the commission.

4 (b) A licensee providing professional counseling services in a remote state
5 under the privilege to practice shall adhere to the laws and regulations of the remote
6 state.

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

10 1. Take adverse action against a licensed professional counselor's privilege to
11 practice within that member state; and

12 2. Issue subpoenas for both hearings and investigations that require the
13 attendance and testimony of witnesses as well as the production of evidence.
14 Subpoenas issued by a licensing board in a member state for the attendance and
15 testimony of witnesses or the production of evidence from another member state
16 shall be enforced in the latter state by any court of competent jurisdiction, according
17 to the practice and procedure of that court applicable to subpoenas issued in
18 proceedings pending before it. The issuing authority shall pay any witness fees,
19 travel expenses, mileage, and other fees required by the service statutes of the state
20 in which the witnesses or evidence are located.

21 3. Only the home state shall have the power to take adverse action against a
22 licensed professional counselor's license issued by the home state.

23 (b) For purposes of taking adverse action, the home state shall give the same
24 priority and effect to reported conduct received from a member state as it would if

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1 the conduct had occurred within the home state. In so doing, the home state shall
2 apply its own state laws to determine appropriate action.

3 (c) The home state shall complete any pending investigations of a licensed
4 professional counselor who changes primary state of residence during the course of
5 the investigations. The home state shall also have the authority to take appropriate
6 action(s) and shall promptly report the conclusions of the investigations to the
7 administrator of the data system. The administrator of the coordinated licensure
8 information system shall promptly notify the new home state of any adverse actions.

9 (d) A member state, if otherwise permitted by state law, may recover from the
10 affected licensed professional counselor the costs of investigations and dispositions
11 of cases resulting from any adverse action taken against that licensed professional
12 counselor.

13 (e) A member state may take adverse action based on the factual findings of the
14 remote state, provided that the member state follows its own procedures for taking
15 the adverse action.

16 (f) Joint investigations:

17 1. In addition to the authority granted to a member state by its respective
18 professional counseling practice act or other applicable state law, any member state
19 may participate with other member states in joint investigations of licensees.

20 2. Member states shall share any investigative, litigation, or compliance
21 materials in furtherance of any joint or individual investigation initiated under the
22 compact.

23 (g) If adverse action is taken by the home state against the license of a licensed
24 professional counselor, the licensed professional counselor's privilege to practice in
25 all other member states shall be deactivated until all encumbrances have been

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1 removed from the state license. All home state disciplinary orders that impose
2 adverse action against the license of a licensed professional counselor shall include
3 a statement that the licensed professional counselor's privilege to practice is
4 deactivated in all member states during the pendency of the order.

5 (h) If a member state takes adverse action, it shall promptly notify the
6 administrator of the data system. The administrator of the data system shall
7 promptly notify the home state of any adverse actions by remote states.

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

10 **(9) ESTABLISHMENT OF COUNSELING COMPACT COMMISSION.** (a) The compact
11 member states hereby create and establish a joint public agency known as the
12 counseling compact commission:

13 1. The commission is an instrumentality of the compact states.

14 2. Venue is proper and judicial proceedings by or against the commission shall
15 be brought solely and exclusively in a court of competent jurisdiction where the
16 principal office of the commission is located. The commission may waive venue and
17 jurisdictional defenses to the extent it adopts or consents to participate in alternative
18 dispute resolution proceedings.

19 3. Nothing in this compact shall be construed to be a waiver of sovereign
20 immunity.

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

23 2. The delegate shall be either:

24 a. A current member of the licensing board at the time of appointment, who is
25 a licensed professional counselor or public member; or

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- 1 b. An administrator of the licensing board.
- 2 3. Any delegate may be removed or suspended from office as provided by the
3 law of the state from which the delegate is appointed.
- 4 4. The member state licensing board shall fill any vacancy occurring on the
5 commission within 60 days.
- 6 5. Each delegate shall be entitled to one vote with regard to the promulgation
7 of rules and creation of bylaws and shall otherwise have an opportunity to participate
8 in the business and affairs of the commission.
- 9 6. A delegate shall vote in person or by such other means as provided in the
10 bylaws. The bylaws may provide for delegates' participation in meetings by
11 telephone or other means of communication.
- 12 7. The commission shall meet at least once during each calendar year.
13 Additional meetings shall be held as set forth in the bylaws.
- 14 8. The commission shall by rule establish a term of office for delegates and may
15 by rule establish term limits.
- 16 (c) The commission shall have the following powers and duties:
- 17 1. Establish the fiscal year of the commission;
- 18 2. Establish bylaws;
- 19 3. Maintain its financial records in accordance with the bylaws;
- 20 4. Meet and take such actions as are consistent with the provisions of this
21 compact and the bylaws;
- 22 5. Promulgate rules which shall be binding to the extent and in the manner
23 provided for in the compact;

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1 6. Bring and prosecute legal proceedings or actions in the name of the
2 commission, provided that the standing of any state licensing board to sue or be sued
3 under applicable law shall not be affected;

4 7. Purchase and maintain insurance and bonds;

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

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

12 10. Accept any and all appropriate donations and grants of money, equipment,
13 supplies, materials, and services, and to receive, utilize, and dispose of the same;
14 provided that at all times the commission shall avoid any appearance of impropriety
15 and/or conflict of interest;

16 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to
17 own, hold, improve or use, any property, real, personal or mixed; provided that at all
18 times the commission shall avoid any appearance of impropriety;

19 12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise
20 dispose of any property real, personal, or mixed;

21 13. Establish a budget and make expenditures;

22 14. Borrow money;

23 15. Appoint committees, including standing committees composed of members,
24 state regulators, state legislators or their representatives, and consumer

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1 representatives, and such other interested persons as may be designated in this
2 compact and the bylaws;

3 16. Provide and receive information from, and cooperate with, law enforcement
4 agencies;

5 17. Establish and elect an executive committee; and

6 18. Perform such other functions as may be necessary or appropriate to achieve
7 the purposes of this compact consistent with the state regulation of professional
8 counseling licensure and practice.

9 (d) *The executive committee.* 1. The executive committee shall have the power
10 to act on behalf of the commission according to the terms of this compact.

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

12 a. Seven voting members who are elected by the commission from the current
13 membership of the commission; and

14 b. Up to 4 ex officio, nonvoting members from 4 recognized national
15 professional counselor organizations.

16 c. The ex officio members will be selected by their respective organizations.

17 3. The commission may remove any member of the executive committee as
18 provided in bylaws.

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

20 5. The executive committee shall have the following duties and responsibilities:

21 a. Recommend to the entire commission changes to the rules or bylaws, changes
22 to this compact legislation, fees paid by compact member states such as annual dues,
23 and any commission compact fee charged to licensees for the privilege to practice;

24 b. Ensure compact administration services are appropriately provided,
25 contractual or otherwise;

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1 c. Prepare and recommend the budget;

2 d. Maintain financial records on behalf of the commission;

3 e. Monitor compact compliance of member states and provide compliance
4 reports to the commission;

5 f. Establish additional committees as necessary; and

6 g. Other duties as provided in rules or bylaws.

7 (e) *Meetings of the commission.* 1. All meetings shall be open to the public, and
8 public notice of meetings shall be given in the same manner as required under the
9 rule-making provisions in sub. (11).

10 2. The commission or the executive committee or other committees of the
11 commission may convene in a closed, nonpublic meeting if the commission or
12 executive committee or other committees of the commission must discuss:

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

14 b. The employment, compensation, discipline or other matters, practices or
15 procedures related to specific employees or other matters related to the commission's
16 internal personnel practices and procedures;

17 c. Current, threatened, or reasonably anticipated litigation;

18 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
19 real estate;

20 e. Accusing any person of a crime or formally censuring any person;

21 f. Disclosure of trade secrets or commercial or financial information that is
22 privileged or confidential;

23 g. Disclosure of information of a personal nature where disclosure would
24 constitute a clearly unwarranted invasion of personal privacy;

25 h. Disclosure of investigative records compiled for law enforcement purposes;

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1 i. Disclosure of information related to any investigative reports prepared by or
2 on behalf of or for use of the commission or other committee charged with
3 responsibility of investigation or determination of compliance issues pursuant to the
4 compact; or

5 j. Matters specifically exempted from disclosure by federal or member state
6 statute.

7 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
8 commission's legal counsel or designee shall certify that the meeting may be closed
9 and shall reference each relevant exempting provision.

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

17 (f) *Financing of the commission.* 1. The commission shall pay, or provide for
18 the payment of, the reasonable expenses of its establishment, organization, and
19 ongoing activities.

20 2. The commission may accept any and all appropriate revenue sources,
21 donations, and grants of money, equipment, supplies, materials, and services.

22 3. The commission may levy on and collect an annual assessment from each
23 member state or impose fees on other parties to cover the cost of the operations and
24 activities of the commission and its staff, which must be in a total amount sufficient
25 to cover its annual budget as approved each year for which revenue is not provided

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1 by other sources. The aggregate annual assessment amount shall be allocated based
2 upon a formula to be determined by the commission, which shall promulgate a rule
3 binding upon all member states.

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

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

13 (g) *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, either personally or 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 occurred,
18 or that the person against whom the claim is made had a reasonable basis for
19 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 and/or liability for any damage, loss, injury, or
22 liability caused by the intentional or willful or wanton misconduct of that person.

23 2. The commission shall defend any member, officer, executive director,
24 employee or representative of the commission in any civil action seeking to impose
25 liability arising out of any actual or alleged act, error, or omission that occurred

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1 within the scope of commission employment, duties, or responsibilities, or that the
2 person against whom the claim is made had a reasonable basis for believing occurred
3 within the scope of commission employment, duties, or responsibilities; provided
4 that nothing herein shall be construed to prohibit that person from retaining his or
5 her own counsel; and provided further, that the actual or alleged act, error, or
6 omission did not result from that person's intentional or willful or wanton
7 misconduct.

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

16 **(10) DATA SYSTEM.** (a) The commission shall provide for the development,
17 maintenance, operation, and utilization of a coordinated database and reporting
18 system containing licensure, adverse action, and investigative information on all
19 licensed individuals in member states.

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

- 23 1. Identifying information;
- 24 2. Licensure data;
- 25 3. Adverse actions against a license or privilege to practice;

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- 1 4. Nonconfidential information related to alternative program participation;
- 2 5. Any denial of application for licensure, and the reason(s) for such denial;
- 3 6. Current significant investigative information; and
- 4 7. Other information that may facilitate the administration of this compact, as
- 5 determined by the rules of the commission.

6 (c) Investigative information pertaining to a licensee in any member state will
7 only be available to other member states.

8 (d) The commission shall promptly notify all member states of any adverse
9 action taken against a licensee or an individual applying for a license. Adverse action
10 information pertaining to a licensee in any member state will be available to any
11 other member state.

12 (e) Member states contributing information to the data system may designate
13 information that may not be shared with the public without the express permission
14 of the contributing state.

15 (f) Any information submitted to the data system that is subsequently required
16 to be expunged by the laws of the member state contributing the information shall
17 be removed from the data system.

18 **(11) RULE MAKING.** (a) The commission shall promulgate reasonable rules in
19 order to effectively and efficiently achieve the purpose of the compact.
20 Notwithstanding the foregoing, in the event the commission exercises its
21 rule-making authority in a manner that is beyond the scope of the purposes of the
22 compact, or the powers granted hereunder, then such an action by the commission
23 shall be invalid and have no force or effect.

24 (b) The commission shall exercise its rule-making powers pursuant to the
25 criteria set forth in this subsection and the rules adopted thereunder. Rules and

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1 amendments shall become binding as of the date specified in each rule or
2 amendment.

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

7 (d) Rules or amendments to the rules shall be adopted at a regular or special
8 meeting of the commission.

9 (e) Prior to promulgation and adoption of a final rule or rules by the
10 commission, and at least 30 days in advance of the meeting at which the rule will be
11 considered and voted upon, the commission shall file a notice of proposed rule
12 making:

- 13 1. On the website of the commission or other publicly accessible platform; and
- 14 2. On the website of each member state professional counseling licensing board
15 or other publicly accessible platform or the publication in which each state would
16 otherwise publish proposed rules.

17 (f) The notice of proposed rule making shall include:

- 18 1. The proposed time, date, and location of the meeting in which the rule will
19 be considered and voted upon;
- 20 2. The text of the proposed rule or amendment and the reason for the proposed
21 rule;
- 22 3. A request for comments on the proposed rule from any interested person; and
- 23 4. The manner in which interested persons may submit notice to the
24 commission of their intention to attend the public hearing and any written
25 comments.

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1 (g) Prior to adoption of a proposed rule, the commission shall allow persons to
2 submit written data, facts, opinions, and arguments, which shall be made available
3 to the public.

4 (h) The commission shall grant an opportunity for a public hearing before it
5 adopts a rule or amendment if a hearing is requested by:

- 6 1. At least 25 persons;
- 7 2. A state or federal governmental subdivision or agency; or
- 8 3. An association having at least 25 members.

9 (i) If a hearing is held on the proposed rule or amendment, the commission shall
10 publish the place, time, and date of the scheduled public hearing. If the hearing is
11 held via electronic means, the commission shall publish the mechanism for access
12 to the electronic hearing.

13 1. All persons wishing to be heard at the hearing shall notify the executive
14 director of the commission or other designated member in writing of their desire to
15 appear and testify at the hearing not less than 5 business days before the scheduled
16 date of the hearing.

17 2. Hearings shall be conducted in a manner providing each person who wishes
18 to comment a fair and reasonable opportunity to comment orally or in writing.

19 3. All hearings will be recorded. A copy of the recording will be made available
20 on request.

21 4. Nothing in this subsection shall be construed as requiring a separate hearing
22 on each rule. Rules may be grouped for the convenience of the commission at
23 hearings required by this subsection.

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1 (j) Following the scheduled hearing date, or by the close of business on the
2 scheduled hearing date if the hearing was not held, the commission shall consider
3 all written and oral comments received.

4 (k) If no written notice of intent to attend the public hearing by interested
5 parties is received, the commission may proceed with promulgation of the proposed
6 rule without a public hearing.

7 (L) The commission shall, by majority vote of all members, take final action on
8 the proposed rule and shall determine the effective date of the rule, if any, based on
9 the rule-making record and the full text of the rule.

10 (m) Upon determination that an emergency exists, the commission may
11 consider and adopt an emergency rule without prior notice, opportunity for
12 comment, or hearing, provided that the usual rule-making procedures provided in
13 the compact and in this subsection shall be retroactively applied to the rule as soon
14 as reasonably possible, in no event later than 90 days after the effective date of the
15 rule. For the purposes of this provision, an emergency rule is one that must be
16 adopted immediately in order to:

- 17 1. Meet an imminent threat to public health, safety, or welfare;
- 18 2. Prevent a loss of commission or member state funds;
- 19 3. Meet a deadline for the promulgation of an administrative rule that is
20 established by federal law or rule; or
- 21 4. Protect public health and safety.

22 (n) The commission or an authorized committee of the commission may direct
23 revisions to a previously adopted rule or amendment for purposes of correcting
24 typographical errors, errors in format, errors in consistency, or grammatical errors.
25 Public notice of any revisions shall be posted on the website of the commission. The

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1 revision shall be subject to challenge by any person for a period of 30 days after
2 posting. The revision may be challenged only on grounds that the revision results
3 in a material change to a rule. A challenge shall be made in writing and delivered
4 to the chair of the commission prior to the end of the notice period. If no challenge
5 is made, the revision will take effect without further action. If the revision is
6 challenged, the revision may not take effect without the approval of the commission.

7 **(12) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) *Oversight.* 1. The
8 executive, legislative, and judicial branches of state government in each member
9 state shall enforce this compact and take all actions necessary and appropriate to
10 effectuate the compact's purposes and intent. The provisions of this compact and the
11 rules promulgated hereunder shall have standing as statutory law.

12 2. All courts shall take judicial notice of the compact and the rules in any
13 judicial or administrative proceeding in a member state pertaining to the subject
14 matter of this compact which may affect the powers, responsibilities, or actions of the
15 commission.

16 3. The commission shall be entitled to receive service of process in any such
17 proceeding and shall have standing to intervene in such a proceeding for all
18 purposes. Failure to provide service of process to the commission shall render a
19 judgment or order void as to the commission, this compact, or promulgated rules.

20 (b) *Default, technical assistance, and termination.* 1. If the commission
21 determines that a member state has defaulted in the performance of its obligations
22 or responsibilities under this compact or the promulgated rules, the commission
23 shall:

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1 a. Provide written notice to the defaulting state and other member states of the
2 nature of the default, the proposed means of curing the default and/or any other
3 action to be taken by the commission; and

4 b. Provide remedial training and specific technical assistance regarding the
5 default.

6 (c) If a state in default fails to cure the default, the defaulting state may be
7 terminated from the compact upon an affirmative vote of a majority of the member
8 states, and all rights, privileges, and benefits conferred by this compact may be
9 terminated on the effective date of termination. A cure of the default does not relieve
10 the offending state of obligations or liabilities incurred during the period of default.

11 (d) Termination of membership in the compact shall be imposed only after all
12 other means of securing compliance have been exhausted. Notice of intent to
13 suspend or terminate shall be given by the commission to the governor, the majority
14 and minority leaders of the defaulting state's legislature, and each of the member
15 states.

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

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

22 (g) The defaulting state may appeal the action of the commission by petitioning
23 the U.S. district court for the District of Columbia or the federal district where the
24 commission has its principal offices. The prevailing member shall be awarded all
25 costs of such litigation, including reasonable attorney's fees.

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1 (h) *Dispute resolution.* 1. Upon request by a member state, the commission
2 shall attempt to resolve disputes related to the compact that arise among member
3 states and between member and non-member states.

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

6 (i) *Enforcement.* 1. The commission, in the reasonable exercise of its discretion,
7 shall enforce the provisions and rules of this compact.

8 2. By majority vote, the commission may initiate legal action in the United
9 States district court for the District of Columbia or the federal district where the
10 commission has its principal offices against a member state in default to enforce
11 compliance with the provisions of the compact and its promulgated rules and bylaws.
12 The relief sought may include both injunctive relief and damages. In the event
13 judicial enforcement is necessary, the prevailing member shall be awarded all costs
14 of such litigation, including reasonable attorney's fees.

15 3. The remedies herein shall not be the exclusive remedies of the commission.
16 The commission may pursue any other remedies available under federal or state law.

17 **(13) DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND**
18 **ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall come into
19 effect on the date on which the compact statute is enacted into law in the 10th
20 member state. The provisions, which become effective at that time, shall be limited
21 to the powers granted to the commission relating to assembly and the promulgation
22 of rules. Thereafter, the commission shall meet and exercise rule-making powers
23 necessary to the implementation and administration of the compact.

24 (b) Any state that joins the compact subsequent to the commission's initial
25 adoption of the rules shall be subject to the rules as they exist on the date on which

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1 the compact becomes law in that state. Any rule that has been previously adopted
2 by the commission shall have the full force and effect of law on the day the compact
3 becomes law in that state.

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

6 1. A member state's withdrawal shall not take effect until 6 months after
7 enactment of the repealing statute.

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

12 (d) Nothing contained in this compact shall be construed to invalidate or
13 prevent any professional counseling licensure agreement or other cooperative
14 arrangement between a member state and a non-member state that does not conflict
15 with the provisions of this compact.

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

19 **(14) CONSTRUCTION AND SEVERABILITY.** This compact shall be liberally construed
20 so as to effectuate the purposes thereof. The provisions of this compact shall be
21 severable and if any phrase, clause, sentence or provision of this compact is declared
22 to be contrary to the constitution of any member state or of the United States or the
23 applicability thereof to any government, agency, person or circumstance is held
24 invalid, the validity of the remainder of this compact and the applicability thereof to
25 any government, agency, person or circumstance shall not be affected thereby. If this

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1 compact shall be held contrary to the constitution of any member state, the compact
2 shall remain in full force and effect as to the remaining member states and in full
3 force and effect as to the member state affected as to all severable matters.

4 **(15) BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) A licensee providing
5 professional counseling services in a remote state under the privilege to practice
6 shall adhere to the laws and regulations, including scope of practice, of the remote
7 state.

8 (b) Nothing herein prevents the enforcement of any other law of a member state
9 that is not inconsistent with the compact.

10 (c) Any laws in a member state in conflict with the compact are superseded to
11 the extent of the conflict.

12 (d) Any lawful actions of the commission, including all rules and bylaws
13 properly promulgated by the commission, are binding upon the member states.

14 (e) All permissible agreements between the commission and the member states
15 are binding in accordance with their terms.

16 (f) In the event any provision of the compact exceeds the constitutional limits
17 imposed on the legislature of any member state, the provision shall be ineffective to
18 the extent of the conflict with the constitutional provision in question in that member
19 state.

20 **457.51 Implementation of the counseling compact. (1)** In this section:

21 (a) "Examining board" means the marriage and family therapy, professional
22 counseling, and social work examining board.

23 (b) "Privilege to practice" has the meaning given in s. 457.50 (2) (s).

24 (c) "Professional counselor section" means the professional counselor section
25 of the examining board.

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1 **(2)** The department may impose a fee for an individual to receive a privilege
2 to practice as provided in s. 457.50 (3) (c).

3 **(3)** The professional counselor section may, by rule, require an individual
4 applying for a license under s. 457.12 (2m) or an individual seeking a privilege to
5 practice under s. 457.12 (3m) to meet a jurisprudence requirement in accordance
6 with s. 457.50 (4) (a) 8., if such a requirement is imposed by the professional
7 counselor section under s. 457.16 in order to obtain a license under s. 457.12 (1m).

8 **(4)** (a) An individual who is exercising the privilege to practice in this state
9 shall comply with s. 440.03 (13) (am).

10 (b) Subject to s. 457.50 and any rules promulgated thereunder, ss. 440.20 to
11 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
12 is exercising the privilege to practice in this state in the same manner that they apply
13 to holders of licenses issued under subch. I.

14 **SECTION 72.** 632.89 (1) (dm) of the statutes is amended to read:

15 632.89 (1) (dm) “Licensed mental health professional” means a clinical social
16 worker who is licensed under subch. I of ch. 457, a marriage and family therapist who
17 is licensed under s. 457.10, or a professional counselor who is licensed under s. 457.12
18 or who is exercising the professional counselor privilege to practice, as defined in s.
19 457.50 (2) (s), in this state.

20 **SECTION 73.** 632.89 (1) (e) 4. of the statutes is amended to read:

21 632.89 (1) (e) 4. A licensed mental health professional practicing within the
22 scope of his or her license credential under subch. I of ch. 457 and applicable rules.

23 **SECTION 74.** 800.035 (2m) of the statutes is amended to read:

24 800.035 (2m) A municipal court shall appoint a guardian ad litem or social
25 worker certified or licensed under subch. I of ch. 457 for any defendant that the court

SENATE BILL 196**SECTION 74**

1 has reason to believe lacks substantial mental capacity to understand the
2 proceedings or assist in his or her defense. The person appointed under this
3 paragraph shall assist the court in making a determination concerning the
4 defendant's mental capacity. If the court determines that the defendant lacks the
5 mental capacity to understand the proceedings or assist in his or her defense, the
6 court shall suspend the proceedings. The cost of the guardian ad litem or social
7 worker shall be paid by the municipality or municipalities that established the court.
8 The governing body may by ordinance or bylaw authorize the appointment of a
9 guardian ad litem by the municipal judge in any other matter within the jurisdiction
10 of the municipal court.

11 **SECTION 75.** 905.04 (1) (bm) of the statutes is amended to read:

12 905.04 (1) (bm) "Marriage and family therapist" means an individual who is
13 licensed as a marriage and family therapist under subch. I of ch. 457 or an individual
14 reasonably believed by the patient to be a marriage and family therapist.

15 **SECTION 76.** 905.04 (1) (dm) of the statutes is amended to read:

16 905.04 (1) (dm) "Professional counselor" means an individual who is licensed
17 as a professional counselor under subch. I of ch. 457, an individual who is exercising
18 the privilege to practice, as defined in s. 457.50 (2) (s), in this state, or an individual
19 reasonably believed by the patient to be a professional counselor.

20 **SECTION 77.** 905.04 (1) (g) of the statutes is amended to read:

21 905.04 (1) (g) "Social worker" means an individual who is certified or licensed
22 as a social worker, advanced practice social worker, independent social worker, or
23 clinical social worker under subch. I of ch. 457 or an individual reasonably believed

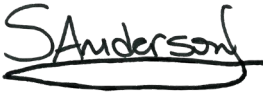
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1 by the patient to be a social worker, advanced practice social worker, independent
2 social worker, or clinical social worker.

3 (END)

**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: 10/05/2023	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: Professional Counselor Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 17, 2023	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. Discussion: MPSW 12 Supervision 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"> • Chapter MPSW 12 • Chapter 457 • PC Section Rule Projects chart 			
11) Authorization			
		10/05/2023	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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.			

Chapter MPSW 12

PROFESSIONAL COUNSELOR SUPERVISED PRACTICE

MPSW 12.01 Supervised practice requirement.

MPSW 12.02 Supervised practice.

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

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

MPSW 12.01 Supervised practice requirement.

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

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

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

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93, am. (1) (intro.), Register, November, 1994, No. 467, eff. 12-1-94; CR 02-105: r. and recr. Register October 2002 No. 562, eff. 11-1-02; CR 08-088: renum. (intro.), (1) and (2) to be (1), (2) and (3) and am. (1), cr. (4) and (5) Register June 2009 No. 642, eff. 7-1-09; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register January 2018 No. 745.

MPSW 12.02 Supervised practice. (1) SUPERVISOR QUALIFICATIONS. It is the applicant's responsibility to satisfy the professional counselors section that the applicant's supervisor met all qualifications. Supervision of the supervised practice of professional counseling may be exercised by any of the following:

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

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

(c) A psychiatrist.

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

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

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

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

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

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

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

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

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

(f) To terminate the supervised relationship.

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

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

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

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

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 01-026: am. (2), r. (2) (b) and (d), Register December 2001 No. 552, eff. 1-1-02; CR 02-105: r. and recr. (2) Register October 2002 No. 562, eff. 11-1-02; CR 16-009: r. and recr. Register January 2018 No. 745, eff. 2-1-18.

CHAPTER 457

MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD

457.01	Definitions.	457.12	Professional counselor license.
457.02	Applicability.	457.13	Professional counselor training license.
457.03	Duties and powers of examining board and sections.	457.14	Temporary certificates and licenses.
457.033	Psychometric testing.	457.15	Reciprocal certificates and licenses.
457.035	Psychotherapy rules.	457.16	Examinations.
457.04	Prohibited practices.	457.20	Issuance of certificate; expiration and renewal.
457.06	General requirements for certification or licensure.	457.22	Continuing education.
457.08	Social worker certificates and licenses.	457.24	Professional liability insurance.
457.09	Social worker training certificate.	457.25	Reporting requirements.
457.10	Marriage and family therapist license.	457.26	Disciplinary proceedings and actions.
457.11	Marriage and family therapist training license.	457.28	Injunctive relief.

Cross-reference: See definitions in s. 440.01.

Cross-reference: See also MPSW, Wis. adm. code.

457.01 Definitions. In this chapter:

(1c) “Advanced practice social worker” means an individual who holds an advanced practice social worker certificate granted by the social worker section.

(1g) “Certificate holder” means an individual who is certified under this chapter.

(1n) “Clinical social work” means providing services without supervision for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, to restore, maintain, and enhance social functioning through treatment interventions that include psychosocial evaluation, counseling of individuals, families, or groups, referral to community resources, advocacy, facilitation of organizational change to meet social needs, and individual, marital, or group psychotherapy.

(1r) “Clinical social worker” means an individual who holds a license to practice clinical social work granted by the social worker section.

(1w) “Credential” means a license or certificate granted under this chapter.

(2) “Examining board” means the marriage and family therapy, professional counseling, and social work examining board.

(2g) “Independent social worker” means an individual who holds an independent social worker certificate granted by the social worker section.

(2r) “Licensee” means a person who is licensed under this chapter.

(3) “Marriage and family therapist” means an individual who holds a license to practice marriage and family therapy granted by the marriage and family therapist section.

(4) “Marriage and family therapist section” means the marriage and family therapist section of the examining board.

(5) “Marriage and family therapy” means applying psychotherapeutic and marital or family systems theories and techniques in the assessment, marital or family diagnosis, prevention, treatment or resolution of a cognitive, affective, behavioral, nervous or mental disorder of an individual, couple or family.

(6) “Professional counseling” means applying a combination of human development, rehabilitation and either psychosocial or psychotherapeutic principles, procedures or services that integrate a wellness, pathology and multicultural model of human behavior in order to assist an individual, couple, family, group of individuals, organization, institution or community to achieve mental, emotional, physical, social, moral, educational, spiritual, vocational or career development and adjustment through the life span of the individual, couple, family, group of individuals, organization, institution or community.

(7) “Professional counselor” means an individual who holds a license to practice professional counseling granted by the professional counselor section.

(8) “Professional counselor section” means the professional counselor section of the examining board.

(8e) “Psychiatrist” means a physician licensed under subch. II of ch. 448 who specializes in psychiatry.

(8m) “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(9) “Social work” means applying psychosocial or counseling principles, methods, or procedures in the assessment, evaluation, or psychosocial diagnosis, prevention, treatment, or resolution of a difficulty in the social, psychological, personal, emotional, or mental functioning of an individual, couple, family, group of individuals, or community, including the enhancement or restoration of, or the creation of societal conditions favorable to the enhancement or restoration of, the capacity of an individual, couple, family, group of individuals, or community for social functioning or the delivery of services to a group of individuals or a community to assist the group or community in providing or improving the provision of social or health services to others.

(10) “Social worker” means an individual who holds a social worker certificate granted by the social worker section.

(11) “Social worker section” means the social worker section of the examining board.

History: 1991 a. 160; 2001 a. 80.

457.02 Applicability. This chapter does not do any of the following:

(1) Require any individual to be certified or licensed under this chapter in order to use the title “pastoral counselor,” “investment counselor,” “vocational counselor,” “career counselor,” “alcohol and drug counselor,” “chemical dependency counselor,” or “employee assistance counselor,” or to engage in such counseling, if the individual does not use any other title or designation that represents or may tend to represent that he or she is certified or licensed under this chapter, and does not represent himself or herself as an individual who engages in social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

(2) Require any individual who is licensed as a school social worker or school counselor by the department of public instruction to be certified or licensed under this chapter in order to use the title “school social worker” or “school counselor.”

(3) Require a person who is a psychologist or a psychiatrist to be licensed under this chapter in order to use the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor” if the psychologist or psychiatrist does not use the term “licensed,” “certified,” or “registered” or any similar term in connection with the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor.”

(4) Authorize any individual who is certified or licensed under this chapter to use the title “school social worker” or “school counselor” unless the individual is licensed as a school social worker or school counselor by the department of public instruction.

(5) Authorize any individual who is certified under s. 457.08 (1), 457.09 (1), or 457.14 (1) (a) to (c) to use the title “alcohol and drug counselor” or “chemical dependency counselor” unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department.

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

(6) Require a credential for a person to do any of the following:

(a) Lawfully practice within the scope of a license, permit, registration, or certificate granted by this state or the federal government, or granted through a process recognized by the department of health services, including practicing psychotherapy under such a license, permit, registration, or certificate.

(b) Practice psychotherapy, if the person satisfies one of the following:

1. The person is registered as a music, art, or dance therapist under s. 440.03 (14) (a) and the person holds a valid license granted by the department under s. 440.03 (14) (am).

2. The person is a mental health professional who meets all of the qualifications under s. DHS 61.96, Wis. Adm. Code, for employment as a mental health professional in an outpatient psychotherapy clinic certified by the department of health services under s. DHS 61.95, Wis. Adm. Code, if the person’s practice of psychotherapy is a part of the duties for which he or she is employed by such a clinic and the person practices psychotherapy solely within the confines of or under the jurisdiction of the clinic.

(c) Provide a consultation or demonstration with an individual licensed under this chapter if the person providing the consultation or demonstration is licensed to practice marriage and family therapy, professional counseling, or clinical social work in another state or territory of the United States.

History: 1991 a. 160; 1995 a. 27 ss. 9126 (19), 9145 (1); 1997 a. 27; 2001 a. 80, 105; 2005 a. 25, 254, 407; 2007 a. 20 s. 9121 (6) (a); 2009 a. 180; 2017 a. 262, 331; 2021 a. 131, 222, 238.

457.03 Duties and powers of examining board and sections.

The examining board shall do all of the following:

(1) 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.

(1m) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, and consistent with s. 457.16, promulgate rules establishing

examination requirements for certification and licensure under this chapter.

(2) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing a code of ethics to govern the professional conduct of certificate holders and licensees. The rules shall specify the services included within the practice of social work, advanced practice social work, or independent social work that an individual who is certified under this chapter as a social worker, advanced practice social worker, or independent social worker may perform and the degree of supervision, if any, required to perform those services.

(3) Upon the advice of the social worker section, promulgate rules establishing levels of social work practice for individuals with master’s or doctoral degrees in social work, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) and (3), and establishing appropriate educational, training, experience, examination, and continuing education requirements for certification and renewal of a certificate at each level of practice established in rules promulgated under this subsection.

History: 1991 a. 160; 2001 a. 80; 2005 a. 422; 2017 a. 357.

Cross-reference: See also chs. MPSW 1, 3, 6, and 20, Wis. adm. code.

457.033 Psychometric testing. The marriage and family therapy, professional counseling, and social work examining board and the psychology examining board shall jointly promulgate rules that specify the different levels of psychometric testing that an individual who is certified or licensed under this chapter is qualified to perform. Such rules shall be consistent with the guidelines of the American Psychological Association, or other nationally recognized guidelines, for performing psychometric testing. A certificate holder or licensee may not engage in psychometric testing except as provided under the rules promulgated under this section.

History: 2001 a. 80.

457.035 Psychotherapy rules. The examining board may not promulgate rules under s. 457.03 that permit an individual to engage in psychotherapy unless one of the following applies:

(1) The individual is licensed under this chapter as a clinical social worker, marriage and family therapist, or professional counselor.

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

History: 2001 a. 80.

457.04 Prohibited practices. Except as provided in ss. 257.03 and 457.02, no person may do any of the following:

(1) Use the title “social worker” unless the person is certified as a social worker under this chapter.

(2) Use the title “advanced practice social worker” unless the person is certified as an advanced practice social worker under this chapter.

(3) Use the title “independent social worker” unless the person is certified as an independent social worker under this chapter.

(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 chapter or unless the person is certified under this chapter as an advanced practice social worker or independent social worker and the person practices clinical social work under the supervision of a person who is licensed as a clinical social worker under this chapter.

(5) Practice marriage and family therapy or designate himself or herself as a marriage and family therapist or use or assume the title “marriage and family therapist,” “marriage and family counselor,” or any other title or designation that represents or may tend

to represent the person as a marriage and family therapist unless any of the following applies:

(a) The person is licensed as a marriage and family therapist under this chapter.

(b) The person is licensed as a clinical social worker under this chapter and initially became certified as an independent clinical social worker under ch. 457, 1999 stats., on or before May 31, 1995.

(6) Practice professional counseling or designate himself or herself as a professional counselor or use or assume the title “professional counselor,” “professional rehabilitation counselor,” “vocational rehabilitation counselor,” “rehabilitation counselor,” or any other title or designation that represents or may tend to represent the person as a professional counselor unless the person is licensed as a professional counselor under this chapter.

(7) Practice psychotherapy unless the person is licensed under this chapter or unless the person is a certificate holder who may practice psychotherapy under the rules promulgated under ss. 457.03 and 457.035.

(8) Practice clinical social work, marriage and family therapy, or professional counseling without notifying his or her client in writing of the procedure to follow to resolve a grievance. The notice required under this subsection shall provide one of the following options for resolving a grievance to the client:

(a) A grievance resolution procedure that contains all of the following elements:

1. The name, address, and telephone number of, and any other contact information available for, the appropriate section of the examining board that is responsible for receiving a complaint and investigating and conducting a hearing under s. 457.26 (1).

2. The name, address, and telephone number of, and any other contact information available for, a person not involved in the services, therapy, or counseling giving rise to the complaint who would be available to receive and investigate a complaint.

3. The manner by which a client may present a complaint to a person identified in subd. 1. or 2.

4. The manner by which a client may appeal the resolution of a complaint presented in subd. 3.

5. Time limits for filing, processing, and appealing the resolution of a complaint presented under subd. 3.

6. Protections against retaliation for a client who presents a complaint under subd. 3. and for any person who assists the client to present a complaint under subd. 3.

(b) A grievance resolution procedure that complies with the rules promulgated under s. 51.61 (5) (b).

(c) A grievance resolution procedure that is available to the credential holder through a professional association of which the credential holder is a member.

History: 1991 a. 160; 2001 a. 80; 2005 a. 96; 2009 a. 28, 42.

Cross-reference: See also ch. MPSW 20, Wis. adm. code.

457.06 General requirements for certification or licensure. The social worker section, marriage and family therapist section, or professional counselor section may not grant any certificate or license under this chapter unless the applicant does all of the following:

(1) Submits an application for the certificate or license to the department on a form provided by the department.

(2) Pays the fee specified in s. 440.05 (1).

History: 1991 a. 160; 2001 a. 80.

457.08 Social worker certificates and licenses.

(1) **SOCIAL WORKER CERTIFICATE.** The social worker section shall grant a social worker certificate to an individual who qualifies under s. 457.09 (5) (d) or to any individual who does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a bachelor’s or master’s degree in social

work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as a social worker as specified in the rules promulgated under s. 457.03 (2).

(2) **ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE.** The social worker section shall grant an advanced practice social worker certificate to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as an advanced practice social worker as specified in the rules promulgated under s. 457.03 (2).

(3) **INDEPENDENT SOCIAL WORKER CERTIFICATE.** The social worker section shall grant an independent social worker certificate to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Submits evidence satisfactory to the social worker section that after receiving a master’s or doctorate degree in social work he or she has engaged in the equivalent of at least 2 years of full-time supervised social work practice approved by the social worker section.

Cross-reference: See also ch. MPSW 4, Wis. adm. code.

(d) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as an independent social worker as specified in the rules promulgated under s. 457.03 (2), or passes the Academy of Certified Social Workers examination administered by the National Association of Social Workers, except that the examining board may require an individual who passes the Academy of Certified Social Workers examination to also pass an examination approved by the examining board that tests the individual’s knowledge of state law relating to independent social work.

(4) **CLINICAL SOCIAL WORKER LICENSE.** The social worker section shall grant a clinical social worker license to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she satisfies each of the following:

1. The individual has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

2. As part of the master’s or doctorate degree program specified in subd. 1. or postgraduate studies, the individual has completed a clinical social work concentration and supervised clinical field training, both of which are approved by the social worker section, except that, upon the advice of the social worker section, the examining board may promulgate rules that allow an individual to substitute a specified number of hours of supervised clinical work experience for the supervised clinical field training.

(c) Submits evidence satisfactory to the social worker section that after receiving a master’s or doctorate degree in social work he or she has engaged in the equivalent of at least 3,000 hours of clinical social work practice, including at least 1,000 hours of

face-to-face client contact that includes the diagnosis and treatment of individuals based on the applicable edition of the Diagnostic and Statistical Manual of Mental Disorders, or its equivalent, as determined by the examining board, supervised by one of the following:

1. An individual licensed as a clinical social worker who has received a doctorate degree in social work.
2. An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.
3. A psychiatrist or a psychologist licensed under ch. 455.
4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the social worker section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the social worker section.

Cross-reference: See also ch. MPSW 4, Wis. adm. code.

(d) Passes one or more examinations approved by the social worker section to determine minimum competence to practice as a clinical social worker.

(5) USE OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS. In its discretion, the examining board may establish a number of hours required for the diagnosis and treatment of individuals based on the applicable edition of the Diagnostic and Statistical Manual of Mental Disorders or its equivalent for purposes of sub. (4) (c). The number of hours required under this subsection may not exceed 600.

History: 1991 a. 160; 1995 a. 27; 2001 a. 80; 2003 a. 301; 2017 a. 356, 357.

Cross-reference: See also ch. MPSW 3, Wis. adm. code.

457.09 Social worker training certificate. (1) The social worker section shall grant a social worker training certificate to any individual who does all of the following:

- (a) Submits an application for the certificate to the department on a form provided by the department.
- (b) Pays the fee specified in s. 440.05 (6).
- (c) Submits evidence satisfactory to the social worker section that he or she has a bachelor's degree from an accredited college or university in psychology, sociology, criminal justice or another human service program approved by the section.
- (d) Submits a statement to the social worker section that he or she is seeking to attain social worker degree equivalency under sub. (4) while he or she holds a social worker training certificate.

(2) (a) Notwithstanding s. 457.04 (1), a social worker training certificate authorizes the holder to use the title specified in s. 457.04 (1) during the period in which the certificate is valid.

(b) A social worker training certificate holder is a social worker certified under this chapter for purposes of any law governing social workers certified under this chapter.

(3) (a) A social worker training certificate is valid for 24 months.

(c) A social worker training certificate may not be renewed.

(4) During the period in which a social worker training certificate is valid, the certificate holder shall do all of the following:

(a) Seek to attain social worker degree equivalency by completing courses relating to all of the following in a social work program or other human services program at an accredited college or university:

1. Social welfare policy and services.
2. Social work practice methods with individuals, families, small groups, communities, organizations and social institutions.
3. Human behavior in the social environment, including human growth and development and social systems theory.

(b) Complete one of the following:

1. A human services internship that involves direct practice with clients and that is supervised by a social worker certified

under this chapter who has a bachelor's or master's degree in social work.

2. One year of social work employment that involves direct practice with clients and that is supervised by a social worker certified under this chapter who has a bachelor's or master's degree in social work.

(4m) (a) The social worker section shall determine whether a course, internship or employment satisfies the requirements under sub. (4) and whether a social worker training certificate holder has attained social worker degree equivalency.

(b) Notwithstanding sub. (4), for the purpose of determining whether a social worker training certificate holder has attained social worker degree equivalency under sub. (4), the section shall apply course work or internships that the certificate holder completed, or employment that the certificate holder held, as part of the program leading to the degree that he or she specified to satisfy the requirement in sub. (1) (c) if the course work, internship or employment satisfies the requirements in sub. (4).

(5) (a) A social worker training certificate holder may take the national social work examination at any time before or after he or she completes the requirements under sub. (4).

(b) If a social worker training certificate holder passes the examination specified under par. (a), he or she shall be permitted to take an examination approved by the social worker section that tests knowledge of state law relating to social work.

(c) If an individual fails an examination specified under par. (a) or (b), he or she may retake the examination. The social worker section may not place any restrictions on the number of times an individual may retake the examinations specified under pars. (a) and (b).

(d) The social worker section shall grant a social worker certificate to an individual who has held a social worker training certificate and who passes the examinations specified under pars. (a) and (b).

History: 1995 a. 27; 2001 a. 80; 2017 a. 330.

Cross-reference: See also s. MPSW 3.13, Wis. adm. code.

457.10 Marriage and family therapist license. The marriage and family therapist section shall grant a marriage and family therapist license to any individual who does all of the following:

(1) Satisfies the requirements in s. 457.06.

(2) Submits evidence satisfactory to the marriage and family therapist section that he or she has done any of the following:

(a) Received a master's or doctorate degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy education.

(b) Received a master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling or other mental health field that included course work that the marriage and family therapist section determines is substantially equivalent to the course work required for a master's or doctorate degree in marriage and family therapy described under par. (a).

(3) Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree required under sub. (2) he or she has 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, supervised by one 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 or a psychologist licensed under ch. 455.

(d) An individual, other than an individual specified in par. (a), (b), or (c), who is approved by the marriage and family therapist section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the marriage and family therapist section.

(4) Passes one or more examinations approved by the marriage and family therapist section to determine minimum competence to practice marriage and family therapy.

History: 1991 a. 160; 2001 a. 80; 2017 a. 357.

Cross-reference: See also chs. MPSW 15 and 16, Wis. adm. code.

457.11 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 an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Satisfies the requirements in s. 457.10 (2), or submits proof satisfactory to the marriage and family therapist section that he or she 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, or 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 by the marriage and family therapist section.

(d) Submits evidence satisfactory to the marriage and family therapist section that he or she 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 or 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. A marriage and family therapist training license authorizes the holder to use any title specified in s. 457.04 (5) and to practice marriage and family therapy within the scope of his or her training or supervision during the period in which the license is valid.

History: 2001 a. 80; 2005 a. 422.

457.12 Professional counselor license. The professional counselor section shall grant a professional counselor license to any individual who does all of the following:

(1) Satisfies the requirements in s. 457.06.

(2) Submits evidence satisfactory to the professional counselor section that he or she has received a master's or doctorate degree in professional counseling or its equivalent from a program approved by the professional counselor section.

(3) Submits evidence satisfactory to the professional counselor section that he or she has done any of the following:

(a) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least 3,000 hours of professional counseling practice, including at least 1,000 hours of face-to-face client contact, supervised by one of the following:

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

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

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the professional counselor section.

(b) Received a doctorate degree in professional counseling or its equivalent, and, either during or after the doctorate degree program or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice supervised by one of the following:

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

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

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the professional counselor section.

(4) Passes one or more examinations approved by the professional counselor section to determine minimum competence to practice professional counseling.

History: 1991 a. 160; 1993 a. 366; 2001 a. 80; 2017 a. 357.

Cross-reference: See also chs. MPSW 12 and 14 and s. MPSW 11.01, Wis. adm. code.

457.13 Professional counselor training license.

(1) The professional counselor section shall grant a professional counselor training license to any individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Satisfies the requirements in s. 457.12 (2).

(d) Submits evidence satisfactory to the professional counselor section that he or she is in a position, or has an offer for a position, as a professional counselor in a supervised clinical professional counseling practice or is in a position, or has an offer for a position, in which the applicant will, in the opinion of the professional counselor section, receive training and supervision equivalent to the training and supervision received in a supervised clinical professional counseling practice.

(2) A professional counselor training license is valid for 48 months and may be renewed at the discretion of the professional counselor section. Notwithstanding s. 457.04 (6), a professional counselor training license authorizes the holder to use any title specified in s. 457.04 (6) and to practice professional counseling within the scope of his or her training or supervision during the period in which the license is valid.

History: 1993 a. 366; 2001 a. 80; 2005 a. 422.

Cross-reference: See also s. MPSW 11.015, Wis. adm. code.

457.14 Temporary certificates and licenses. (1) Upon application and payment of the fee specified in s. 440.05 (6), the appropriate section of the examining board may grant a temporary social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, or professional counselor certificate or license to any individual who does one of the following:

(a) Satisfies the requirements under s. 457.08 (1) (a) and (b) and has submitted an application to take the next available examination for certification under s. 457.08 (1) (c).

(b) Satisfies the requirements under s. 457.08 (2) (a) and (b) and has submitted an application to take the next available examination for certification under s. 457.08 (2) (c).

(c) Satisfies the requirements under s. 457.08 (3) (a) to (c) and has submitted an application to take the next available examination for certification under s. 457.08 (3) (d).

(d) Satisfies the requirements under s. 457.08 (4) (a) to (c) and has submitted an application to take the next available examination for licensure under s. 457.08 (4) (d).

(e) Satisfies the requirements under s. 457.10 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.10 (4).

(f) Satisfies the requirements under s. 457.12 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.12 (4).

(2) A temporary certificate or license granted under sub. (1) is valid for a period designated by the appropriate section of the examining board, not to exceed 9 months, and may be renewed once by that section of the examining board.

History: 1991 a. 160; 2001 a. 80; 2005 a. 422.

Cross-reference: See also ss. MPSW 3.11, 11.035, and 17.01, Wis. adm. code.

457.15 Reciprocal certificates and licenses. (1) Upon application and payment of the fee specified in s. 440.05 (2), the social worker section may do all of the following:

(a) Grant a social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (1).

(b) Grant an advanced practice social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to advanced practice social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (2).

(c) Grant an independent social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to independent social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (3).

(d) Grant a clinical social worker license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to clinical social work, if the social worker section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.08 (4).

(2) Upon application and payment of the fee specified in s. 440.05 (2), the marriage and family therapist section may grant a marriage and family therapist license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy, if the marriage and family therapist section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.10.

(3) Upon application and payment of the fee specified in s. 440.05 (2), the professional counselor section may grant a professional counselor license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the professional counselor section that tests knowledge of state law relating to pro-

fessional counseling, if the professional counselor section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.12.

History: 1991 a. 160; 2001 a. 80.

Cross-reference: See also ss. MPSW 3.12, 11.04, and 17.02, Wis. adm. code.

The Examining Board may not require applicants for reciprocal certificates to pass an examination covering state law in the absence of a statutory requirement. Applicants for certificates under reciprocal certification must demonstrate that they obtained their certificates under a state law that was substantially equivalent to Wisconsin's educational, experience, and examination requirements. OAG 4–99.

457.16 Examinations. (1) The appropriate section of the examining board shall arrange for examinations for social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, and professional counselor certification and licensure to be conducted at least semi-annually and at times and places determined by that section of the examining board, and shall provide public notice of each examination at least 90 days before the date of the examination.

(2) Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, as appropriate, and may include an examination that tests an applicant's knowledge of state law relating to the relevant practice.

History: 1991 a. 160; 2001 a. 80; 2017 a. 330, 357.

Cross-reference: See also ch. MPSW 5, Wis. adm. code.

457.20 Issuance of certificate; expiration and renewal.

(1) The department shall issue a certificate of certification or licensure to each individual who is certified or licensed under this chapter.

(2) The renewal dates for certificates and licenses granted under this chapter, other than training certificates and licenses or temporary certificates or licenses, are specified under s. 440.08 (2) (a).

(3) Renewal applications shall be submitted to the department on a form provided by the department and shall be accompanied by all of the following:

(a) The renewal fee determined by the department under s. 440.03 (9) (a).

(b) Proof of completion of continuing education requirements in s. 457.22.

(c) If the application is for renewal of a professional counselor license that was originally granted as a professional counselor certificate under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the professional counselor section that the applicant continues to be employed by a federal, state, or local governmental agency as a professional counselor, professional rehabilitation counselor, vocational rehabilitation counselor, or rehabilitation counselor.

(4) Renewal of an advanced practice social worker, independent social worker, or clinical social worker certificate or license automatically renews the individual's social worker certificate without payment of the renewal fee for the social worker certificate or completion of the continuing education requirements that would otherwise be required for renewal of a social worker certificate.

History: 1991 a. 160; 1993 a. 366; 2001 a. 80; 2005 a. 422; 2007 a. 20.

457.22 Continuing education. (1) The examining board may do any of the following:

(a) Upon the advice of the social worker section, promulgate rules establishing requirements and procedures for social workers, advanced practice social workers, independent social workers, and clinical social workers to complete continuing education programs or courses of study in order to qualify for renewal.

(b) Upon the advice of the marriage and family therapist section, promulgate rules establishing requirements and procedures

for marriage and family therapists to complete continuing education programs or courses of study in order to qualify for renewal.

(c) Upon the advice of the professional counselor section, promulgate rules establishing requirements and procedures for professional counselors to complete continuing education programs or courses of study in order to qualify for renewal.

(2) The rules promulgated under sub. (1) may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for renewal. The appropriate section of the examining board may waive all or part of the requirements established in rules promulgated under this section if it determines that prolonged illness, disability, or other exceptional circumstances have prevented the individual from completing the requirements.

History: 1991 a. 160; 2001 a. 80.

Cross-reference: See also ch. MPSW 19, Wis. adm. code.

457.24 Professional liability insurance. (1) Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor under this chapter may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance. The examining board shall promulgate rules establishing the minimum amount of insurance required under this subsection.

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

History: 2001 a. 80.

457.25 Reporting requirements. (1) Any public or private mental health or health care agency, institution or facility, or any other person or entity that employs or contracts for services with a credential holder, that terminates, suspends, or restricts the employment or contract of the credential holder as a result of adverse or disciplinary action against the credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her employment before the action is taken, within 30 days after the date on which the credential holder terminates his or her employment.

(2) Any state or local professional society or organization of social workers, marriage and family therapists, or professional counselors that terminates, revokes, or suspends the membership of a credential holder, or takes any other adverse or disciplinary action against a credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her membership before the action is taken, within 30 days after the date on which the credential holder terminates his or her membership.

(3) Any insurer, as defined in s. 600.03 (27), who provides professional liability insurance coverage for a credential holder and who pays a claim for damages arising out of the rendering of services by the credential holder or obtains any information that tends to substantiate a charge that the credential holder has

engaged in conduct that constitutes grounds for discipline under s. 457.26 shall submit a written report of the payment or information to the appropriate section of the examining board within 30 days after the date on which the payment is made or information is obtained.

(4) Any circuit court that appoints a guardian of the person or estate of a credential holder or makes a judgment or other determination that a credential holder is mentally ill or mentally incompetent or that a credential holder has done any of the acts enumerated in s. 457.26 (2) shall submit a written report of the appointment, judgment, or determination to the appropriate section of the examining board within 30 days after the date on which the appointment, judgment, or determination is made.

History: 1991 a. 160; 2001 a. 80; 2011 a. 146.

457.26 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may reprimand a credential holder or deny, limit, suspend, or revoke a credential under this chapter if it finds that the applicant or credential holder has done any of the following:

(a) Made a material misstatement in an application for a credential or for renewal of a credential.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

(c) Advertised in a manner that is false, deceptive or misleading.

(d) Advertised, practiced or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling while his or her ability to practice was impaired by alcohol or other drugs.

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 457.03 (2).

(g) Performed social work, advanced practice social work, or independent social work services in violation of the rules promulgated under s. 457.03 (2) or otherwise engaged in conduct while practicing social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling which evidences a lack of knowledge or ability to apply professional principles or skills.

(gm) Violated the requirements of s. 253.10 (3) (c) 2., 3., 4., 5., 6. or 7.

(h) Violated this chapter or any rule promulgated under this chapter.

History: 1991 a. 160; 1995 a. 309; 2001 a. 80; 2017 a. 364 s. 49.

457.28 Injunctive relief. If the appropriate section of the examining board has reason to believe that any person is violating s. 457.04, the appropriate section of the examining board, the examining board, the department, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.


History: 1991 a. 160.

**Professional Counselor Section of the MPSW Examining Board
Rule Projects (updated 10/05/2023)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
	064-22	01/25/2025	MPSW 1 to 20	Telehealth Comprehensive Review	The Board requested to do a comprehensive review of all their chapters while implementing 2021 WI Act 121.	Drafting Rule	EIA Comment Period and submission to Clearinghouse
			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.	Scope requested at the July meeting and ready to be reviewed at the October meeting	Submit scope to the Governor's office for review and, after approval, for publication in the Register.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski		2) Date when request submitted: 10/10/2023 <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: Professional Counselor Section			
4) Meeting Date: 10/17/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relation Request and Reports – Discussion and Consideration 1) ACA Conference & Exp 2024, April 11-13, 2024 – New Orleans, LA	
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			
		10/10/2024	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
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.			