



VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Christine Poleski (608) 266-2112
October 13, 2020

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

11:00 A.M.

(OR IMMEDIATELY FOLLOWING THE MARRIAGE AND FAMILY THERAPIST SECTION MEETING)

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of July 21, 2020 (3-5)**
- C. Conflicts of Interest**
- D. Introductions, Appointments and Recognition – Discussion and Consideration**
 - 1) Abike Sanyaolu, Public Member (Replaces: Wood)
 - 2) Nancy Unzueta Saiz, Social Worker Member (Replaces: Koger)
- E. 11:00 A.M. PUBLIC HEARING: Clearinghouse Rule (CR) 20-032, Relating to Degrees from Programs Accredited by the Commission for Accreditation of Counseling (CACREP) (6)**
 - 1) Review and Respond to Public Hearing Comments and Clearinghouse Report
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) 2021 Meeting Dates
 - 3) Board Member – Term Expiration Date
- G. Guidance Document Regarding Conversion Therapy – Discussion and Consideration**
- H. Administrative Rule Matters – Discussion and Consideration (7)**
 - 1) CR 20-032, Relating to Degree Programs Accredited by the CACREP (8-23)
 - 2) Scope Statement for MPSW 3, 11, and 17, Relating to Application Requirements for Credentials (24-25)
 - 3) Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108 (26)

- a. Review of 2019 Report (27-28)
- b. Proposals for 2021 Report
- 4) Pending or Possible Rulemaking Projects

I. COVID-19 – Discussion and Consideration

J. Section Reports - Discussion and Consideration

K. Discussion and Consideration of Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Administrative Rule Matters
- 10) Legislative and Policy Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Motions
- 16) Petitions
- 17) Appearances from Requests Received or Renewed
- 18) Speaking Engagements, Travel, or Public Relation Requests, and Reports

L. Public Comments

ADJOURNMENT

NEXT MEETING: TBD

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. 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 deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL
WORK EXAMINING BOARD
MEETING MINUTES
JULY 21, 2020**

PRESENT: Cynthia Adell, Cynthia Brown, Bridget Ellingboe, Elizabeth Krueger, Lindsey Marsh, Tammy Scheidegger, Andrea Simon, Lisa Yee

EXCUSED: Candace Coates, Kathleen Miller

STAFF: Christian Albouras, Executive Director; Christine Poleski, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Rules Coordinator; Daniel Betekhtin, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv. and other DSPS Staff

CALL TO ORDER

Bridget Ellingboe, Vice Chairperson, called the meeting to order at 12:05 p.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

MOTION: Lindsey Marsh moved, seconded by Lisa Yee, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 14, 2020

MOTION: Elizabeth Krueger moved, seconded by Cynthia Brown, to approve the Minutes of April 14, 2020 as published. Motion carried unanimously.

INTRODUCTION, ANNOUNCEMENTS, AND RECOGNITION

Resignation: Kristin Koger, Independent Social Worker Member

MOTION: Elizabeth Krueger moved, seconded by Cynthia Adell, to recognize and thank Kristin Koger for her years of dedicated service to the MPSW Examining Board, Social Worker Section, and State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE RULES MATTERS

Adoption Order for CR 19-137, Relating to Social Worker Examinations

MOTION: Tammy Scheidegger moved, seconded by Lisa Yee, to approve the Adoption Order for Clearinghouse Rule 19-137, relating to examinations. Motion carried unanimously.

Adoption Order for CR 19-138, Relating to the Practice Requirement for Licensure as a Clinical Social Worker

MOTION: Cynthia Adell moved, seconded by Cynthia Brown, to approve the Adoption Order for Clearinghouse Rule 19-138, relating to the practice requirement for licensure as a clinical social worker. Motion carried unanimously.

Preliminary Rule Draft for MPSW 11, Relating to CACREP Automatic Approval

MOTION: Tammy Scheidegger moved, seconded by Lindsey Marsh, to approve the preliminary rule draft of MPSW 11, relating to CACREP automatic approval, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Scope Approval for MPSW 3, 11, and 17, Relating to Application Requirements for Credentials

MOTION: Elizabeth Krueger moved, seconded by Lindsey Marsh, to approve the Scope Statement revising MPSW 3, 11, and 17, relating to application requirements for credentials, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

Status Update on Association of Social Work Boards (ASWB) Exam Use Policy Exception Request

MOTION: Cynthia Adell moved, seconded by Tammy Scheidegger, to request that the ASWB Board consider the clinical level exam exception portion of the MPSW Examining Board's exam policy exception request, and offer to provide additional information and time for the ASWB board to consider the bachelor's level exam portion of the request. Motion carried unanimously.

PUBLIC AGENDA REQUEST:

GUIDANCE DOCUMENT REGARDING CONVERSION THERAPY

MOTION: Tammy Scheidegger moved, seconded by Cynthia Adell, to request that DSPS staff draft a Guidance Document regarding the employment or promotion of any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 2:05 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: October 1, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 13, 2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Public hearing for CR 20-032 relating to degrees from programs accredited by the Commission for Accreditation of Counseling. -Review and respond to public comments and Clearinghouse report.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i>		October 1, 2020	
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.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: October 1, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: October 13, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. CR 20-032 relating to degree programs accredited by the Commission for Accreditation of Counseling (CACREP). 2. Scope statement for MPSW 3, 11, and 17 relating to application requirements for credentials. 3. Administrative Rules Reporting Requirement under 2017 Wisconsin Act 108. a. Review of 2019 Report. b. Proposals for 2021 Report.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Discuss public hearing comments and clearinghouse report for CR 20-032. 2. Discuss preliminary hearing on scope public comments and consider implementing scope statement for MPSW 3, 11, and 17 relating to application requirements for credentials. 3. Provide an overview of the board's obligations under 2017 Wisconsin Act 108 and discuss a plan to carry out the necessary review of the board's rules.			
11) Authorization			
<i>Jon Derenne</i>		October 1, 2020	
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	

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

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

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to repeal and recreate MPSW 11.01 (2) (b); and to amend MPSW 11.01 (2) (c); relating to degrees from programs accredited by the Commission for Accreditation of Counseling (CACREP).

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 457.03 (1), Stats.

Statutory authority:

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

Explanation of agency authority:

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

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

Related statute or rule:

Section MPSW 14.

Plain language analysis:

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

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

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

None.

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

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

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

Dr. Jennifer M. Cook.

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

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

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

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

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

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

Comparison with rules in adjacent states:

Illinois:

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

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

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

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

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

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

Iowa:

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

Michigan:

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

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

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

(Mich. Admin. Code § R 338.1752a).

Minnesota:

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

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

(Minn. Stats. § 148B.53).

Summary of factual data and analytical methodologies:

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

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

The rule draft was posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

None.

Agency contact person:

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

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

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

TEXT OF RULE

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

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

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

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

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

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

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date August 10, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MPSW 11	
4. Subject Degrees from programs accredited by the Commission for Accreditation of Counseling (CACREP)	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (G)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule Currently, any CACREP accredited program specialty area is considered sufficient to meet the education requirement for licensure as a professional counselor. The board would like to narrow automatic acceptance of CACREP accredited programs to only certain specialty areas that closely align with the board's education requirement under MPSW 14.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule draft was posted on the department's website for 14 days in order to solicit economic impact comments from businesses, associations representing business, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) No impact.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule will be to ensure that individuals licensed in Wisconsin as professional counselors will have the necessary education to competently provide services to clients. The alternative would be to continue to automatically approve the education of graduates from some CACREP accredited specialty areas which may not adequately prepare graduates for practice as a professional counselor.	
16. Long Range Implications of Implementing the Rule The benefit of implementing the rule will be to ensure that individuals licensed in Wisconsin as professional counselors will have the necessary education to competently provide services to clients.	
17. Compare With Approaches Being Used by Federal Government	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

None.

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

Illinois:

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

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

a) The educational requirements are as follows:

1) Master's degrees shall be from a college, university or school that is a regionally accredited institution of higher education and recognized by the U.S. Department of Education;

2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors;

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

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

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

A) Human Growth and Development

B) Counseling Theory

C) Counseling Techniques

D) Group Dynamics, Processing and Counseling

E) Appraisal of Individuals

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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

Iowa:

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

Michigan:

Applicants for a counselor license must have degree from either a master's or doctorate program in counseling or student personnel matters that is approved by the board (Mich. Admin Code § R 338.1752 (2)). Programs that are accredited by CACREP are automatically considered to be acceptable to the board. If the graduate program is not CACREP accredited, the applicant's degree program must consist of a 600 hour supervised clinical internship and at least 48 semester or 75 quarter credit hours including all of the following counseling related topics:

1. Career development.
2. Consulting.
3. Counseling techniques.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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

(Mich. Admin. Code § R 338.1752a).

Minnesota:

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

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

(Minn. Stats. § 148B.53).

19. Contact Name

Jon Derenne, Administrative Rules Coordinator

20. Contact Phone Number

(608) 266-0955

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **20-032**

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

Submitted by **MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD**

08-11-2020 RECEIVED BY LEGISLATIVE COUNCIL.

08-24-2020 REPORT SENT TO AGENCY.

MSK:SM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 20-032

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the caption for the proposed rule, the listing of affected provisions should be revised to appear in the following order of treatment: to amend MPSW 11.01 (2) (c); and to repeal and recreate MPSW 11.01 (2) (b). [s. 1.02 (1) (b), Manual.]

b. In s. MPSW 11.01 (2) (b) (intro.), the acronym “CACREP” and the parentheses enclosing it should be removed. Alternatively, if the board prefers to use the acronym, the acronym should be added to the definitions in s. MPSW 10.01, or defined in ch. MPSW 11, and, in this provision, the acronym should be used and the full spelled out phrase should be removed. [s. 1.01 (6) and (8), Manual.]

c. In s. MPSW 11.01 (2) (b) 1. to 4., each provision should be revised to end in a period. [s. 1.03 (4), Manual.] Also, in subds. 1. to 5., it appears that only the first word of each sentence should be capitalized, as each provision identifies a specialty area and is not a proper name. [s. 1.01 (4), Manual.]

d. The following comments apply to s. MPSW 11.01 (2) (c):

- (1) If the acronym “CACREP” is not defined in revisions to the proposed rule, the acronym in this provision should be revised to spell out the full phrase.
- (2) The format for the reference to “s. 11.01 (2) (b)” should be revised to “par. (b)”.
- (3) In the underscored reference to “MPSW 14.01 or 14.02”, the abbreviation “s.” should be inserted before the designation “MPSW”.

STATEMENT OF SCOPE

Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board

Rule No.: MPSW 3, 11, and 17

Relating to: Application requirements for credentials.

Rule Type: Permanent

1. Finding/nature of emergency:

N/A.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule will be to revise the relevant sections of the MPSW code in order to implement 2017 Wisconsin Act 278 and 2019 Wisconsin Act 143.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

This rule project will primarily update MPSW 3, 11, and 17 to bring the rules into compliance with the statutory changes enacted by 2019 Act 143. 2019 Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential in Wisconsin if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction. The credential can be renewed indefinitely.

The Board intends also to revise MPSW 17 in order to bring the chapter into compliance with 2017 Wisconsin Act 278 as it relates to discrimination in licensing based upon an arrest or conviction record. This chapter was inadvertently not revised when board otherwise updated its rules for conformity with Act 278 through CR 19-116.

4. Detailed explanation of statutory authority for the rule:

15.08 (5) (b) States that each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 440.09 (5), Stats. allows a credentialing board to promulgate rules necessary to implement the statutory changes enacted by 2019 Wisconsin Act 143.

2017 Wisconsin Act 278 § 23m states that a licensing agency may promulgate rules necessary to implement Act 278.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 80 hours.

Rev. 3/6/2012

6. List with description of all entities that may be affected by the proposed rule:

Service members and former service members discharged under conditions other than dishonorable within the last four years seeking a credential issued by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, and their spouses. Individuals required to submit criminal history as part of the application process for a credential issued by the board.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule:

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jon Derenne, Administrative Rules Coordinator, (608) 266-0955.

Approved for Publication:

Kathleen Miller c.p.

Chairperson

July 21, 2020
Date Submitted

227.29 Agency review of rules and enactments. (1) By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

(2) The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

(3) If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

(4) (a) In this subsection, "enactment" means an act or a portion of an act that is required to be published under s. 35.095 (3) (a).

(b) Each agency shall review enactments to determine whether any part of an enactment does any of the following:

1. Eliminates or restricts the agency's authority to promulgate any rules promulgated or otherwise administered by that agency.

2. Renders any rules promulgated or otherwise administered by that agency obsolete or unnecessary.

3. Renders, for any reason, any rules promulgated or otherwise administered by that agency not in conformity with or superseded by a state statute, including due to statutory numbering or terminology changes in the enactment.

4. Requires or otherwise necessitates rule making by the agency.

(c) If an agency determines that any consequence specified in par. (b) 1. to 4. results from an enactment or part of an enactment, within 6 months after the applicable effective date for the enactment or part of the enactment, the agency shall do one or more of the following, as applicable, to address the consequence identified by the agency and notify the joint committee for review of administrative rules of its action:

1. Submit a statement of the scope of a proposed rule under s. 227.135 (2), unless the enactment requires otherwise or unless the agency submits a notice to the committee explaining why it is unable to submit the statement of scope within that time period and an estimate of when the agency plans to submit the statement of scope.

2. In the case of an affected rule that the agency determines is an unauthorized rule, as defined in s. 227.26 (4) (a), submit a petition to the legislative council staff under s. 227.26 (4) (b) 1.

3. In the case of a consequence specified under par. (b) 3. that can be addressed by the legislative reference bureau using its authority under s. 13.92 (4) (b), submit a request to the legislative reference bureau to use that authority.

History: 2017 a. 108.

227.30 Review of administrative rules or guidelines.

(1) The small business regulatory review board may review the rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses, as defined in s. 227.114 (1), to conduct their affairs. If the board determines that a rule or guideline places an unnecessary burden on the ability of a small business to conduct its affairs, the board shall submit a report and recommendations regarding the rule or guideline to the joint committee for review of administrative rules and to the agency.

(2) When reviewing the report, the joint committee for review of administrative rules shall consider all of the following:

(a) The continued need for the rule or guideline.

(b) The nature of the complaints and comments received from the public regarding the rule or guideline.

(c) The complexity of the rule or guideline.

(d) The extent to which the rule or guideline overlaps, duplicates, or conflicts with federal regulations, other state rules, or local ordinances.

(e) The length of time since the rule or guideline has been evaluated.

(f) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule or guideline since the rule or guideline was promulgated.

(3) The joint committee for review of administrative rules may refer the report regarding the rule or guideline to the presiding officer of each house of the legislature for referral to a committee under s. 227.19 (2) or may review the rule or guideline as provided under s. 227.26.

History: 2003 a. 145; 2005 a. 249.

SUBCHAPTER III

ADMINISTRATIVE ACTIONS AND JUDICIAL REVIEW

Cross-reference: See also ch. NR 2, Wis. adm. code.

227.40 Declaratory judgment proceedings. (1) Except as provided in sub. (2), the exclusive means of judicial review of the validity of a rule or guidance document shall be an action for declaratory judgment as to the validity of the rule or guidance document brought in the circuit court for the county where the party asserting the invalidity of the rule or guidance document resides or has its principal place of business or, if that party is a nonresident or does not have its principal place of business in this state, in the circuit court for the county where the dispute arose. The officer or other agency whose rule or guidance document is involved shall be the party defendant. The summons in the action shall be served as provided in s. 801.11 (3) and by delivering a copy to that officer or, if the agency is composed of more than one person, to the secretary or clerk of the agency or to any member of the agency. The court shall render a declaratory judgment in the action only when it appears from the complaint and the supporting evidence that the rule or guidance document or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the agency to pass upon the validity of the rule or guidance document in question.

(2) The validity of a rule or guidance document may be determined in any of the following judicial proceedings when material therein:

(a) Any civil proceeding by the state or any officer or agency thereof to enforce a statute or to recover thereunder, provided such proceeding is not based upon a matter as to which the opposing

Kristin Koger
Chairperson
Kathleen Miller
Vice Chairperson
Bridget Ellingboe
Secretary

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



4822 Madison Yards Way
PO Box 8366
Madison WI 53708-8366
Email: dsps@wisconsin.gov
Voice: 608-266-2112
FAX: 608-251-3032

March 22, 2019

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a):

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome.

Thank you.

Cordially,

A handwritten signature in cursive script that reads "Kristin Koger".

Kristin Koger
Chairperson