



VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY SECTION
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND
SOCIAL WORK EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
July 19, 2022

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 April 20, 2022 (4-5)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements, and Recognitions
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Section Updates
 - 2) Section Member – Term Expiration Dates
 - a. Marsh, Lindsey E. – 7/1/2024
 - b. Stumbras, Patrick J. – 7/1/2025
 - c. Webster, Christopher J. – 7/1/2023
- F. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
 - 1) Review of Letter to Legislature Regarding Agency Resources
- G. Legislative and Policy Rule Matters – Discussion and Consideration (6)**
 - 1) 2021 Wisconsin Act 121 – Funding for Free and Charitable Clinics and Defining Telehealth **(7-8)**
 - 2) 2021 Wisconsin Act 222 – Advanced Practice Social Workers and Independent Social Workers Treating Substance Use Disorder as a Specialty **(9)**
- H. Administrative Rule Matters – Discussion and Consideration**
 - 1) Pending or Possible Rulemaking Projects **(10-11)**
- I. COVID-19 – Discussion and Consideration**

- J. 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) Presentations of Petitions for Summary Suspension
 - 16) Petitions for Designation of Hearing Examiner
 - 17) Presentation of Stipulations, Final Decisions and Orders
 - 18) Presentation of Proposed Final Decisions and Orders
 - 19) Presentation of Interim Orders
 - 20) Petitions for Re-Hearing
 - 21) Petitions for Assessments
 - 22) Petitions to Vacate Orders
 - 23) Requests for Disciplinary Proceeding Presentations
 - 24) Motions
 - 25) Petitions
 - 26) Appearances from Requests Received or Renewed
 - 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. 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.).

- 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

NEXT MEETING: OCTOBER 18, 2022

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 at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
MARRIAGE AND FAMILY THERAPY SECTION
MEETING MINUTES
APRIL 20, 2022**

PRESENT: Lindsey Marsh, Patrick Stumbras, Christopher Webster

STAFF: Brad Wojciechowski, Executive Director; Jon Derenne, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Christopher Webster, Chairperson, called the meeting to order at 9:02 a.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JANUARY 25, 2022

MOTION: Patrick Stumbras moved, seconded by Lindsey Marsh, to approve the Minutes of January 25, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Delegation of Authorities

Delegation of Authority for Reciprocity Reviews

MOTION: Patrick Stumbras moved, seconded by Lindsey Marsh, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equivalent to the Section's requirements. Motion carried unanimously.

MOTION: Lindsey Marsh moved, seconded by Patrick Stumbras, to rescind the Board's delegation motion regarding reciprocity reviews from the January 2022 meeting, because the delegation has been superseded. Motion carried unanimously.

**BOARD CHAIR MEETING AND OPTIONS TO ADDRESS DEPARTMENT
RESOURCES**

MOTION: Lindsey Marsh moved, seconded by Patrick Stumbras, to request that the legislature allow DSPS to use fee revenue to add more Full Time Employees (FTE) to their staff. Motion carried unanimously.

ADJOURNMENT


MOTION: Lindsey Marsh moved, seconded by Patrick Stumbras, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:59 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brad Wojciechowski, Executive Director		2) Date when request submitted: 04/11/2022 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: Marriage and Family Therapist Section			
4) Meeting Date: 04/19/2022	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Policy Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable:	
10) Describe the issue and action that should be addressed: 1. 2021 WI Act 121 2. 2021 WI Act 222			
11) Authorization			
		04/11/2022	
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.			

State of Wisconsin



2021 Senate Bill 309

Date of enactment: **February 4, 2022**
Date of publication*: **February 5, 2022**

2021 WISCONSIN ACT 121

AN ACT *to renumber and amend* 250.15 (1); and *to create* 250.15 (1) (b), 250.15 (2) (d), 440.01 (1) (ab), (bm), (dg) and (hm) and 440.17 of the statutes; **relating to:** funding for free and charitable clinics and defining telehealth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 250.15 (1) of the statutes is renumbered 250.15 (1) (intro.) and amended to read:

250.15 (1) ~~DEFINITION DEFINITIONS.~~ (intro.) In this section, “community:

(a) “Community health center” means a health care entity that provides primary health care, health education and social services to low-income individuals.

SECTION 2. 250.15 (1) (b) of the statutes is created to read:

250.15 (1) (b) “Free and charitable clinics” means health care organizations that use a volunteer and staff model to provide health services to uninsured, underinsured, underserved, economically and socially disadvantaged, and vulnerable populations and that meet all of the following criteria:

1. The organizations are nonprofit and tax exempt under section 501 (c) (3) of the Internal Revenue Code or are a part of a larger nonprofit, tax-exempt organization.

2. The organizations are located in this state or serve residents in this state.

3. The organizations restrict eligibility to receive services to individuals who are uninsured, underinsured, or have limited or no access to primary, specialty, or prescription care.

4. The organizations provide one or more of the following services:

- a. Medical care.
- b. Mental health care.
- c. Dental care.
- d. Prescription medications.

5. The organizations use volunteer health care professionals, nonclinical volunteers, and partnerships with other health care providers to provide the services under subd. 4.

6. The organizations are not federally qualified health centers as defined in 42 USC 1396d (l) (2) and do not receive reimbursement from the federal centers for medicare and medicaid services under a federally qualified health center payment methodology.

SECTION 3. 250.15 (2) (d) of the statutes is created to read:

250.15 (2) (d) To free and charitable clinics, \$1,500,000.

SECTION 4. 440.01 (1) (ab), (bm), (dg) and (hm) of the statutes are created to read:

440.01 (1) (ab) “Asynchronous telehealth service” means telehealth that is used to transmit medical data about a patient to a health care provider when the transmission is not a 2-way, real-time interactive communication.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

(bm) “Interactive telehealth” means telehealth delivered using multimedia communication technology that permits 2–way, real–time, interactive communications between a health care provider at a distant site and the patient or the patient’s health care provider.

(dg) “Remote patient monitoring” means telehealth in which a patient’s medical data is transmitted to a health care provider for monitoring and response if necessary.

(hm) “Telehealth” means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit

or a consultation or are used to transfer medically relevant data about a patient. “Telehealth” includes asynchronous telehealth services, interactive telehealth, and remote patient monitoring.

SECTION 5. 440.17 of the statutes is created to read:

440.17 Telehealth. If the department, an examining board, or an affiliated credentialing board promulgates rules related to telehealth, the department, the examining board, or the affiliated credentialing board shall define “telehealth” to have the meaning given in s. 440.01 (1) (hm).

State of Wisconsin



2021 Assembly Bill 686

Date of enactment: April 8, 2022
Date of publication*: April 9, 2022

2021 WISCONSIN ACT 222

AN ACT *to amend* 440.88 (3m), 457.02 (5), 457.02 (5m) and 961.385 (2) (cm) 1. (intro.) of the statutes; **relating to:** advanced practice social workers and independent social workers treating substance use disorder as a specialty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.88 (3m) of the statutes, as affected by 2021 Wisconsin Act 22, is amended to read:

440.88 (3m) EXCEPTION. This section does not apply to a physician, as defined in s. 448.01 (5), a clinical social worker, as defined in s. 457.01 (1r), an independent social worker, as defined in s. 457.01 (2g), an advanced practice social worker, as defined in s. 457.01 (1c), a psychologist licensed under s. 455.04 (1) or (2), a marriage and family therapist, as defined in s. 457.01 (3), or a professional counselor, as defined in s. 457.01 (7), who practices as a substance abuse clinical supervisor or provides substance abuse counseling, treatment, or prevention services within the scope of his or her ~~license~~ credential.

SECTION 2. 457.02 (5) of the statutes is amended to read:

457.02 (5) Authorize any individual who is certified under s. 457.08 (1), ~~(2), or (3)~~, 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.

SECTION 3. 457.02 (5m) of the statutes is amended to read:

457.02 (5m) Authorize any individual who is certified under s. 457.08 (1), ~~(2), or (3)~~, 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.

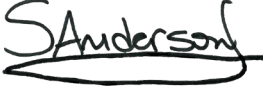
SECTION 4. 961.385 (2) (cm) 1. (intro.) of the statutes is amended to read:

961.385 (2) (cm) 1. (intro.) A practitioner, pharmacist, registered nurse licensed under s. 441.06, or substance abuse counselor, as defined in s. 440.88 (1) (b), or an individual ~~licensed~~ holding a credential under s. 457.08 ~~(2), (3), or (4)~~, 457.10, 457.11, 457.12, 457.13, or 457.14 (1) (d) to (f) who treats alcohol or substance dependency or abuse as a specialty, if any of the following is applicable:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**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: 07/07/2022 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: Marriage and Family Therapist Section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board			
4) Meeting Date: July 19, 2022	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. 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-DSPTS 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"> • Marriage and Family Therapist Section Rule Projects chart 			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: right;"> 07/07/2022 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <hr/> Supervisor (if required) </div> <div style="width: 35%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> <hr/> Date </div> </div>			
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.			

**Marriage and Family Therapy Section of the MPSW Examining Board
Rule Projects (updated 7/7/2022)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
CR 21-053	114-20	02/24/2023	MPSW 3, 11, and 17	Reciprocal credentials service members	Creates provisions allowing for a streamlined process for service members, former service members, and their spouses to apply for a reciprocal credential as required by 2019 Act 143.	Adoption Order ready to be presented at the July meeting.	Once Adoption Order is approved, it will be submitted for publication in the Administrative Register.
			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.	Scope Statement submitted to Governor on 6/10/2022.	Once we receive the Governor's approval, Scope Statement will be submitted to Administrative Register for publication.
			MPSW 1	Substance Use Disorder practice for APSW and ISW	The Board would like to update MPSW 1 in order to implement 2021 WI Act 222 relating to APSW and ISW being able to provide substance use disorder treatment without a specialty.	Scope Statement submitted to Governor on 6/10/2022.	Once we receive the Governor's approval, Scope Statement will be submitted to Administrative Register for publication.