



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

Room 121A, 1400 East Washington Avenue, Madison

Contact: Dan Williams (608) 266-2112

October 25, 2016

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 record of the actions of the Board.

9:00 A.M.

AGENDA

CALL TO ORDER – ROLL CALL – OPEN SESSION

- A. Adoption of the Agenda (1-2)**
- B. Approval of Minutes of March 28, 2016 (3-4)**
- C. Administrative Matters – Discussion and Consideration**
 - 1) Staff Updates
 - 2) Board Member – Term Expiration Date
 - a. Bridget Ellingboe – 7/1/2020 (*re-appointed, not yet confirmed*)
 - b. Peter Fabian – 7/1/2018
 - c. Alice Hanson-Drew – 7/1/2013
 - d. Linda Pellmann – 7/1/2019 (*re-appointed, not yet confirmed*)
 - e. Allison Gordon – 7/1/2018
 - f. Tammy Scheidegger – 7/1/2020 (*appointed, not yet confirmed*)
 - g. Kathleen Miller – 7/1/2017 (*appointed, not yet confirmed*)
 - h. Monica Vick – 7/1/2019 (*appointed, not yet confirmed*)
 - i. Jennifer Anderson-Meger – 7/1/2017
 - j. Elizabeth Krueger – 7/1/2016
 - k. Kristin Koger – 7/1/2018
 - l. Gregory Winkler – 7/1/2019 (*re-appointed, not yet confirmed*)
 - m. SOC Public Member – **Vacancy**
- D. APPEARANCE: Department of Health Services Staff, Substance Abuse Disorder Specialty – Discussion and Consideration**
- E. Legislative and Administrative Rule Matters – Discussion and Consideration (6-13)**
 - 1) Partial Adoption of Clearinghouse Rule 14-059 Relating to Social Work Licenses
 - 2) Partial Adoption of Clearinghouse Rule 15-082 Relating to Rules and Exams
 - 3) Proposals Amending MPSW 1 Relating to Renewal and Reinstatement
 - 4) Update Legislation and Pending or Possible Rulemaking Projects

F. **Section Reports**

G. Discussion and Consideration of Items Received After Preparation of the Agenda:

- 1) Introductions, Announcements, and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decision and Order(s)
- 5) Informational Item(s)
- 6) DLSC Matters
- 7) Status of Statute and Administrative Rule Matters
- 8) Education and Examination Matters
- 9) Credentialing Matters
- 10) Practice Questions
- 11) Legislation / Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Speaking Engagement(s), Travel, or Public Relations Request(s)
- 14) Consulting with Legal Counsel

H. Public Comments

ADJOURNMENT

The next meeting is January 24, 2017.

**JOINT EXAMINING BOARD MEETING
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING
AND SOCIAL WORK JOINT EXAMINING BOARD
VIRTUAL TELECONFERENCE MEETING MINUTES
MARCH 28, 2016**

PRESENT: Bridget Ellingboe, Peter Fabian, Allison Gordon (*via GoToMeeting*), Alice Hanson-Drew, Kristin Koger (*via GoToMeeting*), Charles Lindsey (*via GoToMeeting*), Linda Pellmann, Gregory Winkler

EXCUSED: Jennifer Anderson-Meger, Melissa Gendreau, Elizabeth Krueger

STAFF: Dan Williams, Executive Director; Sharon Henes, Administrative Rules Coordinator; Nilajah Hardin, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Linda Pellmann called the meeting to order at 9:05 a.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

MOTION: Alice Hanson-Drew moved, seconded by Peter Fabian, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Linda Pellmann moved, seconded by Bridget Ellingboe, to approve the minutes of February 15, 2016 as published. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULE MATTERS

MPSW 3, 5 Relating to Social Work Licenses

MOTION: Linda Pellmann moved, seconded by Charles Lindsey, to authorize Clearinghouse Rule 14-057 amending MPSW 3 and 5 for submission to the Legislature. Motion carried.

MPSW 16, 17, 18 Relating to Marriage and Family Therapy Licensure

MOTION: Peter Fabian moved, seconded by Bridget Ellingboe, to rescind authorization to submit the Legislative Report and Draft for Clearinghouse Report 16-008 revising MPSW 16, 17 and 18 to the Governor's Office and Legislature. Motion carried unanimously.

MPSW 10, 11, 12, 14 Relating to Professional Counseling Licensure

MOTION: Allison Gordon moved, seconded by Alice Hanson-Drew, to rescind authorization to submit the Legislative Report and Draft for Clearinghouse Rule 16-009 revising MPSW 10, 11, 12 and 14 to the Governor's Office and Legislature. Motion carried unanimously.

ADJOURNMENT

Gregory Winkler, Chair, adjourned the meeting at 9:48 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 25 October 2016	
		Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: MPSW Joint Board			
4) Meeting Date: 25 October 2016	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Partial Adoption of CR 14-059 Relating to Social Work Licenses 2. Partial Adoption of CR 15-082 Relating to Rules and Exams 3. Proposals Amending MPSW 1 Relating to Renewal and Reinstatement 4. Update on Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>12 October 2016</i>	
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
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL
COUNSELING AND SOCIAL WORK EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : 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 14-057)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend MPSW 5.01 (2) and (3) relating to social worker credentials.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 440.071 and 457.08

Statutory authority: ss. 15.08(5)(b), 457.03(1) and 457.03(3)

Explanation of agency authority:

Each board shall promulgate rules for its own guidance and the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular profession.

The Board shall promulgate rules establishing the minimum standards for supervised clinical training that must be completed for licensure as a clinical social worker and establish appropriate educational, training, experience, examination and continuing education requirements for each level of social worker credentials.

Related statute or rule: s. 440.071

Plain language analysis:

Section 1 removes the two requirements which are not in statute for licensure as a clinical social worker. The legislature removed the requirement that the supervised clinical social work practice be completed in no less than 2 years when it inserted the 3,000 hour requirement. This rule removes the requirement which remained in the administrative code after the statutory change. The other requirement is deleting the requirement that the 1,000 hours of face-to-face client contact include “DSM diagnosis and treatment of individuals”. The statute requires only that the 3,000 hours experience be in clinical social work practice. The requirement that the supervised experience must include Diagnostic and Statistical Manual (DSM) diagnosis and

treatment of individuals is not in the statutes and creates a higher burden on the applicant than the statutory requirements.

Section 2 brings the rule in compliance with Wisconsin 2013 Act 114 which created a provision that a credentialing board may not require a person to complete the postsecondary education before the person is eligible to take an exam. The current rule allows an applicant to take the exam for social worker or advanced practice social worker prior to graduation provided the school confirms the applicant is in good standing and is within 6 months within graduation. The current rules go beyond the statutes by requiring the school to indicate the person is in good standing and limiting the ability of the applicant to decide when to take the test. This rule removes the requirement for the school to confirm the applicant is in good standing and the requirement that the student must be within 6 months of graduation.

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

Comparison with rules in adjacent states:

Illinois: Illinois does not require completion of education prior to taking the exam. Illinois does not require the supervised clinical hours to be completed in a specified time frame. An applicant is required to obtain 3,000 hours of supervised professional experience in clinical social work practice but does not specifically require “DSM treatment and diagnosis”.

Iowa: Iowa does not require completion of education prior to taking the exam. An applicant is required to have 2 years full time practice or 4,000 hours over a minimum of 2 years and maximum 6 years period of performing psychosocial assessment, diagnosis and treatment. At least one component of the diagnostic practice must include working knowledge of DSM.

Michigan: Michigan does not require completion of education prior to taking the exam. Michigan requires at least 4,000 hours in not less than 2 years. An applicant is required to obtain hours in clinical social work practice but does not specifically require “DSM treatment and diagnosis”.

Minnesota: Minnesota does not require the completion of education prior to taking the exam. Minnesota does not require the supervised clinical hours to be completed in a specified time frame. An application is required to have 200 hours of supervision during not less than 4,000 hours and not more than 8,000 hours of supervised clinical social work practice, which must include both diagnosis and treatment.

Summary of factual data and analytical methodologies:

The methodology was removing portions of the rule which are inconsistent with statutes.

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

This rule was posted for economic comments for 14 days and none were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. MPSW 5.01 (2) and (3) are amended to read:

MPSW 5.01 (2) An applicant for certification as a social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, ~~upon confirmation from the applicant’s school that he or she is a student in good standing and is within 6 months of graduation.~~

(3) An applicant for certification as an advanced practice social worker shall successfully complete the examination consisting of the Wisconsin statutes and rules examination and an examination approved by the section. Both parts of the examination may be taken prior to completion of the required degree, ~~upon confirmation from the applicant’s school that he or she is a student in good standing and is within 6 months of graduation.~~

SECTION 2. 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)

Dated _____

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

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

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING,
PROFESSIONAL COUNSELING, : SOCIAL WORKER EXAMINING BOARD
SOCIAL WORKER EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 15-082)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling, Social Worker Examining Board to repeal MPSW 1.03, and 1.04 (2) (intro), (a) and (b); to renumber MPSW 1.04 (1); and to create 1.035 relating to rules, and application.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 15.08 (5) (b), and 457.20(3), Stats.

Statutory authority: ss. 15.08 (5) (b), and 440.071 (1), Stats.

Explanation of agency authority:

The board shall promulgate rules for its own guidance and for the guidance of the profession and define and enforce professional conduct and unethical practices not inconsistent with the law relating to pharmacy. s. 15.08 (5) (b), Stats.

The board may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the board grants or issues. s. 440.071 (1), Stats.

Related statute or rule: N/A

Plain language analysis:

Section 1 and 2 repeals the current rule-making procedure and creates a new procedure. The rules committee is deemed by the board to be obsolete. The Sections of the Board will still propose and draft the rules applying to individual professions and hold the public hearings while the Board will draft rules and hold public hearings for the matters the board deems as a joint interest.

Section 3 rennumbers MPSW 1.04 to MPSW 1.04 to reflect there is no other subunit of that rule section.

Section 4 repeals the provisions requiring all application requirements prior to sitting for the examination. 2013 Act 113 prohibits a board from requiring the education be completed prior to the taking the examination. This section removes the requirement of education be completed prior to taking the examination. In addition, this section removes the obsolete requirement that all application materials be submitted 60 days prior to the examination.

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

Comparison with rules in adjacent states:

Illinois: Illinois requires marriage and family therapist education to be completed prior to examination. Completion of education prior for examination is not required for professional counselors or social workers. A credential may be renewed within 5 years by payment of fees and proof of completion of continuing education. Renewal of a credential after 5 years requires payment of fees, proof of completion of continuing education and either evidence of active practice in another state or proof of passing of the examination during the time the license was lapsed.

Iowa: Iowa does not require marriage and family therapists, mental health counselors or social workers to complete education prior to examination. A credential may be renewed within five years pay fees and verification of continuing education. After five years marriage and family therapists and mental health counselors may renew upon payment of fees and verification of 80 hours of continuing education. After five years social workers may renew upon payment of fees, verification of continuing education and passing of the ASWB examination within last five years at the appropriate credentialing level. Reinstatement of a credential after revocation, suspension or surrendered may not be made until one year after the order or surrender and application shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation, suspension or surrender no longer exists and it will be in the public interest for the license to be reinstated

Michigan: Michigan requires marriage and family therapy education prior to taking the examination. Professional counselors and social workers do not need to complete education prior to the examination. Marriage and family therapists and professional counselors may renew their credentials within three years by payment of fees and after three years by payment of fees and proof of licensure in another state or pass the examination. Social workers may renew their credentials within three years by the submission fees and proof of completion of continuing education.

Minnesota: Minnesota requires marriage and family therapy education prior to the examination. Professional counselors and social workers may complete examination prior to education. Marriage and family therapist may renew within 5 years by payment of fees and proof of completion of continuing education and after five years by payment of fees, proof of continuing education and passing the exam. Marriage and family therapy revoke credentials may be

restored for reasons the board considers sufficient. Professional counselors may renew within two years by payment of fee and continuing education and after two years by meeting current initial requirements. Social workers may renew within one year by payment of fees, proof of meeting continuing education and supervision requirements and after one year by meeting current initial requirements.

Summary of factual data and analytical methodologies:

The Board implemented 2013 Wisconsin Act 114. In addition, the Board reviewed the rules to bring the rules into compliance with statutes and remove obsolete provisions.

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

This rule was posted for economic comments for a period of 14 days and none were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. MPSW 1.03 is repealed.

SECTION 2. MPSW 1.035 is created to read:

MPSW 1.035 Rule-making. (1) Except as provided in sub. (2), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

(2) The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest among the sections.

SECTION 3. MPSW 1.04 (1) is renumbered to MPSW 1.04.

SECTION 4. MPSW 1.04 (2) is repealed.

SECTION 5. 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)

Dated _____

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

2001 No. 552, eff. 1-1-02; CR 02-105: am. (1), (5) and (7), Register October 2002 No. 562, eff. 11-1-02.

MPSW 1.06 Examination review procedure for all sections of the board. An applicant who fails an examination may request a review of the examination, as permitted by the examination provider. If a review is permitted, the following conditions apply:

(1) The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed and pay the fee under s. SPS 4.05.

(2) Examination reviews are by appointment only, and shall be limited to the time permitted by the examination provider for part I of the examination and 1 hour for part II of the examination.

(3) Reviews shall be conducted prior to the application deadline date for the next examination for the particular certificate category.

(4) An applicant may review part I of the examination only once.

(5) Part II of the examination may be reviewed by telephone. During a telephone review an applicant shall be provided with the statute or administrative code reference number and the topic of the test questions the applicant failed.

(6) An applicant may not be accompanied during the review by any person other than the proctors.

(7) Bound reference books shall be permitted. Applicants may not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

MPSW 1.07 Claims of examination error. An applicant for any credential issued by the board who claims an error in the examination may file a written request for board review in the board office within 30 days of the date the examination was reviewed. The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes. Claims of examination error which are not filed within 30 days of an examination review shall be denied. The request shall include:

(1) The applicant's name and address.

(2) The type of credential applied for.

(3) A description of the perceived error, including specific questions or procedures claimed to be in error.

(4) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am. (intro.) and (2), Register October 2002 No. 562, eff. 11-1-02.

MPSW 1.08 Credential renewal procedures for all sections of the board. (1) Each person granted a credential under ch. 457, Stats., is certified or licensed for the current period only. To renew certification or licensure, a credential holder shall by July 1 of the odd-numbered year following initial certification or licensure and every 2 years thereafter file with the board an application for renewal on a form prescribed by the board, and submit the fee under s. 440.08 (2), Stats.

(2) A credential holder who fails to renew certification or licensure shall cease and desist from practice and from use of the professional title. Within 5 years following the renewal date, a credential holder may renew the expired credential without examination by filing the required renewal application, the renewal fee, and the late renewal fee under s. 440.08 (3), Stats. A credential holder who fails to renew certification or licensure within 5 years of the renewal date may be reinstated by complying

with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time application is made.

(3) An applicant for reinstatement of certification or licensure following disciplinary action shall meet requirements in sub. (1) and may be required to successfully complete an examination as the board prescribes. An applicant who applies for reinstatement more than 5 years after the date of the order imposing discipline against the applicant may be reinstated by complying with the requirements for obtaining initial certification or licensure, including educational and examination requirements which apply at the time the application for reinstatement is made.

(4) The credential and certificate of biennial certification or licensure shall be displayed in a prominent place by each person while certified or licensed by the board.

(5) Every credential holder shall notify the department, in writing, of a change of name or address within 30 days of the change.

History: Cr. Register, November, 1993, No. 455, eff. 12-1-93; CR 02-105: am., Register October 2002 No. 562, eff. 11-1-02.

MPSW 1.09 Alcohol and drug counseling. (1) USE OF TITLE AND SCOPE OF PRACTICE. (a) A person credentialed by the board may use the title "alcohol and drug counselor" or "chemical dependency counselor" only if he or she is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department.

(b) A person who is credentialed by the board may treat substance use disorder as a specialty if the person is credentialed under s. 440.88, Stats., or satisfies the educational and supervised training requirements established in this section.

(c) Pursuant to s. SPS 161.01 (3) (b), a person who is licensed by the board may provide substance use disorder counseling, treatment or prevention services within the scope of the person's license.

(d) Any credential holder may do all of the following:

1. Prepare a client for substance dependence treatment by referral.

2. Continue to work with a client until a referral for dependence treatment is completed.

3. Continue to work with the non-AODA issues of a person who had been referred for dependence treatment.

4. Continue to treat a client who is in recovery following treatment for substance dependence.

(2) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A MASTER'S DEGREE. To be authorized to treat substance use disorder as a specialty, a credential holder who has obtained a master's degree for a credential issued by this board shall meet all of the following:

(a) A minimum of 135 contact hours of substance use disorder education, which may be obtained during the course of earning the degree or additional to the degree. The education shall be in all the following areas:

1. Understanding addiction.

2. Knowledge of addiction treatment.

3. Application to addiction practice.

4. Professional readiness in addiction treatment.

(b) A minimum of 200 hours of face-to-face client treatment with individuals diagnosed with substance use disorders, under the supervision of a qualified supervisor, which can be either the same as or separate from the hours obtained for the credential issued by the board.

(3) SPECIALTY REQUIREMENTS FOR CREDENTIALS REQUIRING A BACHELOR'S DEGREE. To be authorized to treat substance use disorder as a specialty, a credential holder who has obtained a bache-