

**JOINT EXAMINING BOARD MEETING  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK JOINT EXAMINING BOARD  
MEETING MINUTES  
OCTOBER 26, 2010**

**PRESENT:** Arlie Albrecht (arrived at 9:26 a.m.), Eric Alvin, Alice Hanson-Drew, George Kamps, Bruce Kuehl, Charles Lindsey, Leslie Mirkin, Khyana Pumphrey, Nicholas Smiar, Ann Marie Starr, Mary Jo Walsh, Daryl Wood

**EXCUSED:** Nancy Clark

**STAFF:** Jeff Scanlan, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant and other DRL Staff

**GUESTS:** Joseph D’Costa, Department of Workforce Development – Division of Vocational Rehabilitation (DWD/DVR); Kathy Markeland, Wisconsin association of Family and Children Agencies (WAFCA); Cathy Couture, Wisconsin Association of Marriage and Family Therapy (WAMFT); Marc Herstand, National Association of Social Workers (NASW) WI Chapter

**CALL TO ORDER**

Mary Jo Walsh, Chair, called the meeting to order at 9:04 a.m. A quorum of twelve (12) members was present.

**APPROVAL OF AGENDA**

**Amendments to the Agenda**

- After Item “B” (open session) Under the item titled “Status of Statutes and Rules and Review of Rules Projects” ADD: “Board Adoption of Clearinghouse Rule (CR) 10-013, Relating to Psychometric Testing”

**MOTION:** Eric Alvin moved, seconded by George Kamps, to approve the October 26, 2010 agenda as amended. Motion carried unanimously.

## ELECTION OF OFFICERS FOR 2011

### CHAIR

**NOMINATION:** Charles Lindsey nominated Leslie Mirkin for the Office of Chair.  
Nomination carried by unanimous vote.

Mary Jo Walsh, Chair, called for other nominations three (3) times.

Leslie Mirkin was elected to serve as Chair in 2011.

### VICE CHAIR

**NOMINATION:** Bruce Kuehl nominated Arlie Albrecht for the Office of Vice Chair.  
Nomination carried by unanimous vote.

Mary Jo Walsh called for other nominations three (3) times.

Arlie Albrecht was elected to serve as Vice Chair in 2011.

### SECRETARY

**NOMINATION:** George Kamps nominated Eric Alvin for the Office of Secretary.  
Nomination carried by unanimous vote.

Mary Jo Walsh called for other nominations three (3) times.

Eric Alvin was elected to serve as Secretary in 2011.

2011 ELECTION RESULTS	
Board Chair	Leslie Mirkin
Vice Chair	Arlie Albrecht
Secretary	Eric Alvin

### APPROVAL OF THE MPSW JOINT BOARD MINUTES OF JULY 27, 2010

- Page 5 of the Minutes: Correct the last paragraph on the page as follows: “**Khyana Pumphrey** ~~Charles Lindsey~~ was appointed to the subcommittee as the Professional Counselor Section in place of Evelyn Pumphrey.

**MOTION:** George Kamps moved, seconded by Eric Alvin, to approve the MPSW Joint Board Minutes of July 27, 2010 as amended. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

### **Review of 2011 Meeting Dates**

The Board reviewed the proposed 2011 meeting dates and took the following action.

**MOTION:** Leslie Mirkin moved, seconded by Eric Alvin, to approve the proposed 2011 meeting date schedule. Motion carried unanimously.

## **BOARD STATUS OF STATUTES AND RULES AND REVIEW OF RULES PROJECTS**

Colleen Baird, Legal Counsel, provided the Board with a printed copy of a proposed order for rulemaking to address recent changes in Chapter 457, Wis. Stats. that require a grievance procedure to be implemented and an additional proposed change to the rules making it a violation for a failure to report under s.457.25, Wis. Stats. She explained the process for rule promulgation and outlined the expected timeframes for this process and indicated that the rule would come back to the Board for adoption. She asked if the Board wished to appoint one of its members to work with her in the event that need for supplemental language is identified. Arlie Albrecht and Leslie Mirkin were approved by the Board to assist Colleen Baird in the amendment of MPSW 20, Wis. Admin. Code.

The Board discussed how prescriptive to be in the detailing of information regarding grievance procedures. The Board discussed the possibility of providing a sample grievance procedure on its website and referencing the availability of this document in the rule.

### **Adoption of Clearinghouse Rule (CR) 10-013, Relating to Psychometric Testing**

The Board reviewed the psychometric testing rule for the purpose of adoption. Jeff Scanlan provided information to the Board regarding rule publication and enactment timeframes. The Board discussed the drafting of an overview surrounding the effects of the implementation of this rule for posting to the Department website. Bruce Kuehl spoke positively of the collaborative working relationship he had with Bruce Erdmann, Ph.D. of the Psychology Examining Board in the drafting of this rule.

**MOTION:** George Kamps moved, seconded by Ann Marie Starr, to appoint Bruce Kuehl to draft a final overview of Clearinghouse Rule 10-013 on behalf of the Joint Board. Motion carried unanimously.

**MOTION:** Bruce Kuehl moved, seconded by George Kamps, to adopt Clearinghouse Rule 10-013. Motion carried unanimously.

*(Arlie Albrecht joined the meeting at 9:26 a.m.)*

**DISCUSSION ON TRAINING LICENSURE, 3<sup>RD</sup> PARTY REIMBURSEMENT,  
HEALTH CARE FINANCING, AND THE FUTURE OF REIMBURSEMENT AND  
VENDORSHIP**

Mark Hale and Dan Zimmerman, Department of Health Services (DHS), joined the Board for discussion of this item. Arlie Albrecht began the Board's discussion noting conversations he has had with Dan Zimmerman regarding the future of vendorship, training licensee reimbursement and the realities of health care financing. He indicated that these issues have substantial implications for the future of the Joint Board's professions. Dan Zimmerman indicated that Sarah Coyle, Division of Health Care Access, will be joining the Board for this discussion. Dan Zimmerman provided information to the Board relative to DHS 35 and the effects of vendorship. He explained that DHS 35 certified clinics are able to obtain insurance reimbursement for work rendered by supervised trainees, because of administrative rule language found in s. DHS 35.127, Wis. Admin. Code and statutory language in s. 632.89, Wis. Stats. He explained that it is possible that not all insurance companies are aware of the provisions within that rule and statute requiring this reimbursement. Dan Zimmerman indicated that insurance companies without information about requirements of the law may not reimburse DHS 35 certified clinic trainees.

Sarah Coyle, Division of Health Care Access and Accountability, joined the meeting and spoke to the Board regarding her role in preparing for healthcare reform respective of the billing process for Medicaid. She explained that the Division of Health Care Access and Accountability is working to update the Medicaid handbook and that it is developing the new modifiers necessary for billing procedures.

The Board discussed any effects that will be experienced by the next generation of therapists in terms of a workforce management issues and the ability of trainees outside of DHS 35 certified clinics to obtain reimbursement. Dan Zimmerman stated that, without further clarification in law, DHS has taken the position that the language within DHS 35 and in statute does not require insurance companies or Medicaid to provide reimbursement of trainees that are working outside of a DHS 35 certified clinic. He indicated that there are some issues in terms of the ability to make a clear argument that vendorship provisions within the state budget act were intended to address trainees as well. Mr. Zimmerman informed the Board that his understanding of the intent of vendorship was to allow persons that are fully licensed to be able to practice independently and to bill independently, but it was not necessarily the intent to cover trainees. Sarah Coyle added that Medicaid is not considering trainee reimbursement in vendorship.

Sarah Coyle provided the Board with a projected timeline for implementation of changes relating to vendorship. She anticipates that licensed psychotherapists should be able to bill for reimbursement under provisions of vendorship beginning in January 2011 and that provisions relevant to reimbursement of qualified treatment trainees (QTT) is anticipated for March 2011.

The Board explored what would be entailed in order to obtain reimbursement for its trainee license holders. The Board discussed how the inability of its licensed trainees to obtain reimbursement or pay while working to obtain experience required for professional licensure negatively impacts the future of the professions of the Joint Board. The mounting evidence of a link between mental and physical health was discussed and the Board noted that failure to address this issue is costly for those providing coverage of health care costs.

The Board thanked Dan Zimmerman, Mark Hale and Sarah Coyle for the longstanding collaboration which has been developed between the Department, the Board and DHS.

**DISCUSSION REGARDING MPSW JOINT BOARD BRINGING DHS AUTHORIZED PSYCHOTHERAPISTS – A.K.A. "DAN CROSSMAN LETTER HOLDERS" (PURSUANT TO S. 457.02 (6) (B) 2, WIS. STATS. AND CHAP. HFS 35, WIS. ADMIN. CODE) UNDER THE REGULATORY AUTHORITY OF THE BOARD**

The Board discussed its plan for bringing Department of Health Services (DHS) authorized psychotherapists under its regulation. Dan Zimmerman and Mark Hale, DHS, participated in this conversation and provided feedback to the Joint Board regarding its plan for regulation. The Board reviewed its plan for issuing a certification under the Board's purview to individuals that work as DHS authorized psychotherapists.

The Board discussed how to move forward in its efforts to achieve Joint Board regulation of DHS authorized psychotherapists. Jeff Scanlan informed the Board that it would need to submit a legislative request and stated that this request should include direction about what the Board hopes to achieve and should outline the rationale behind the creation of this certification. The Board worked to identify information that should be included in its position statement and discussed the advantages to the profession and public protection relating to the implementation of certification requirements for unlicensed psychotherapists.

The Board discussed any additional provisions that may need to be defined in terms of its plan for bringing DHS authorized psychotherapists under regulation. The Board discussed whether there is a need to outline an end date for the issuance of a new certification and explored the ramifications of setting such a deadline. The Board voiced a preference for the incorporation of a sunset date for the issuance of this certification regulating DHS authorized psychotherapists. Dan Zimmerman noted the possibility for political ramifications relating to the inclusion of an end date, as such a limitation may be argued as presenting access issues for consumers.

Dan Zimmerman informed the Board that conceivably, this group might resist Board certification as they would be required to pay fees for obtaining and renewing a certification and for continuing education courses. He indicated that the addition of a ladder that would allow these individuals to work towards obtaining a full professional license may provide the incentive needed for these individuals to obtain the Board's proposed certification.

The Board discussed the limited information it has in terms of the number of unlicensed individuals that are practicing in DHS 35 certified clinics as DHS authorized psychotherapists. The Board discussed the possibility of including a provision in its legislation that would require DHS to participate in the verification of contact information for individuals that have received a letter that allows them to practice as a DHS authorized psychotherapist. The Board indicated the need for an emphasis on consumer protection aspects as its reason for the establishment of a new certification. The Board indicated that it will continue discussion of this issue in January 2011.

**MOTION:** Eric Alvin moved, seconded by Ann Marie Starr, to request the drafting of a legislative request for regulation of DHS authorized psychotherapists. Motion carried unanimously.

**MOTION:** Eric Alvin moved, seconded by Nicholas Smiar, to request that the Department add this legislative request to the DRL modernization bill. Motion carried unanimously.

**MOTION:** George Kamps moved, seconded by Arlie Albrecht, to authorize George Kamps and Ann Marie Starr to draft a position paper relating to this legislation. Motion carried unanimously.

**MOTION:** Eric Alvin moved, seconded by Nicholas Smiar, to authorize George Kamps and Ann Marie Starr to review and approve the draft legislation on behalf of the Board. Motion carried unanimously.

### **SUPERVISORY GUIDELINES AND DISPARITY OF SUPERVISOR REGULATIONS ACROSS REGULATIONS OF THE 3 PROFESSIONS OF THE MPSW JOINT BOARD**

George Kamps reviewed a document containing the findings of a study conducted by the Association of Social Work Boards (ASWB) titled "An Analysis of Supervision for Social Work Licensure" and explained the content of this document. He reported to the Board regarding the relevance of this document as it relates to the work of the subcommittee in developing recommendations for supervisory standards. Bruce Kuehl provided the Board with a document comparing the supervisory requirements of the Joint Board's Sections. The Board reviewed the supervisory requirement comparison chart and discussed areas of commonality and the differences in the requirements of each of the Sections. The Joint Board reviewed options for creating more similarity across the requirements of the Sections based upon the recommendations of the subcommittee.

Bruce Kuehl directed the Board's attention to a supervisory application form of the Marriage and Family Therapy Section which he modified to serve as a sample supervisory attestation form that would be completed at the onset of a supervisory relationship. Bruce Kuehl proposed that the other Section's review and discuss the revisions that have been made to the Marriage and Family Therapy Section supervisory form and discuss the feasibility of implementing similar revisions to their supervisory forms. Each Section will review the revisions made by Bruce Kuehl and will work to determine if its supervisory application form can be amended in a similar fashion. The Board indicated that it will discuss its conclusions of each Section related to the form revisions at the next Joint Board meeting. The Board agreed that if one of the Section's completes its supervisory attestation, that this form will be sent to the other Sections for reference purposes. The Board discussed the addition of language on its application forms as a mechanism for clarifying its supervisory expectations.

As a long term goal the Board discussed its desire to further analyze the resources regarding supervisory standards that are available through each of the Section's national organizations. The Board discussed comparing these resources in order to formulate the framework for supervisory expectations that will improve the supervisory experience. The Board indicated that it wishes to continue its goal of providing more education about quality supervision and the role of a supervisor. Bruce Kuehl suggested that the Board compare and that as a long-term goal the Board work to formulate its supervisory expectations for the purpose of bettering the supervisory experience.

George Kamps spoke to the Board about a week-long supervisory training session that he attended. He advised the Board that this training session completely changed the way that he viewed supervision. The Board discussed the possibility of setting pre-qualification standards for Joint Board licenses that wish to provide supervision. The Board explored the option of requiring supervisory training for those licensees that serve in a supervisory role. Colleen Baird advised the Board that such a requirement would not be feasible unless a change in law was pursued. The Board returned to its discussion of requiring the completion of a supervisory attestation form from applicants at the onset of a supervisory relationship. The Board discussed whether a requirement for a supervisory attestation would significantly delay the application process. The Board generally agreed that requiring the supervisory attestation to be completed should not pose a significant delay in the pursuit of licensure.

### **REVIEW OF DOCUMENTS RELATED TO NATIONAL HEALTH CARE REFORM AND THE PROPOSED SCOPES OF PRACTICE FOR WISCONSIN SUBSTANCE ABUSE COUNSELORS BASED ON LEVELS OF EDUCATION**

Jeff Scanlan reviewed a document with the Board that was issued by the Substance Abuse and Mental Health Services Administration (SAMHSA) titled "Model Scopes of Practice for Substance Use Disorder Counseling". He advised the Board that there is action at the federal level to implement minimum standards for obtaining reimbursement for treatment of substance use disorders. He explained that there is incentive for the states to implement these guidelines in terms of obtaining federal reimbursement for substance use disorder counseling. Jeff Scanlan

noted that this action could pose an issue in that the state's recognized degree requirements for substance abuse counselors are lesser than that provided in the guidelines being pursued by SAMHSA. He informed the Board that the proposed federal standards are counter to the actions taken by the Board at its last meeting to pursue rule changes that would eliminate all but the continuing education requirements for Joint Board licensees to provide substance abuse treatment.

The Board discussed an amendment to MPSW 1.09, Wis. Admin. Code, which would make the requirements of the Board congruent with the federal standards. The Board discussed whether or not there would be a need for legislation if it made its rules congruent with the proposal of SAMSHA. The Board discussed the requirements outlined in the proposed model scope distributed by SAMHSA.

Jeff Scanlan indicated that additional information about SAMHSA's "Model Scopes of Practice for Substance Use Disorder Counseling" is available through Susan Gadacz, Department of Health Services. Jeff Scanlan informed the Board that Susan Gadacz will be holding meetings regarding the SAMHSA model scope and indicated that he will attend these meetings on behalf of the Department. The Board requested that Susan Godacz be invited to attend the Board's next meeting in order to participate in a discussion of SAMHSA's "Model Scopes of Practice for Substance Use Disorder Counseling". The Board decided that it plans to continue its pursuit of repeal of provisions in MPSW 1.09, Wis. Admin. Code as it previously decided.

## **MPSW JOINT BOARD PLANNING ON BOARD GOALS FOR 2010**

The Board reviewed the progress it has made regarding its 2010 goals.

### **1. Amendment of Wis. Stat. 457.02 Regarding Repeal of Provisions Which Restrict Board License Holders from Providing Treatment of Substance Abuse and Substance Use Disorders**

The Board discussed its pursuit of a goal that would repeal portions of s. 457.02, Wis. Stats. restricting Joint Board license holders from providing substance use or abuse disorders. The Board discussed its recent motion to rewrite MPSW 1.09, Wis. Admin. Code and indicated that it would pursue this rewrite in 2011.

### **2. Create Supervisory Guidelines and Address Disparity of Supervisor Regulations Across Regulations of the 3 Professions of the MPSW Joint Board**

The Board expressed gratitude to Bruce Kuehl, George Kamps and Khyana Pumphrey for their work in aligning the supervisory requirements of the Section's of the Joint Board. The Board discussed its progress in addressing supervisory requirements and noted that the disparities in the supervisory standards have been identified. The Board indicated that they would move forward with this initiative by determining the level of supervisory standards that they would like to implement.

**3. DHS Mental Health Provider Status Letter Holders – Discussion on What Actions Should Be Taken to by MPSW Joint Board to in Terms of Recognizing Unlicensed DHS-Recognized Mental Health Providers**

The Board discussed the substantial progress it has made in bringing DHS authorized psychotherapists under Joint Board regulation. The Board indicated that clarifying its goals has helped to focus and move forward.

**REPORT OF MARRIAGE & FAMILY THERAPY SECTION**

Ann Marie Starr informed the Board that the Marriage and Family Therapy Section is scheduled to meet this afternoon and as such there was nothing to report.

**REPORT OF PROFESSIONAL COUNSELOR SECTION**

Leslie Mirkin reported to the Board regarding the Professional Counselor Section meeting the day prior. He indicated that the Section recognized Jeff Scanlan for his contributions to the Section and to the Joint Board in his role as Bureau Director. He indicated that the Section held its 2011 elections and noted that Charles Lindsey was elected as Chair, Khyana Pumphrey was elected as Vice Chair and Nancy Clark was elected as Secretary. Leslie Mirkin informed the Joint Board that the Section had notable discussion with educators that attended the Section meeting respective of the Section's initiative to increase educational requirements for obtaining a Wisconsin professional counselor license. The Joint Board was notified that Leslie Mirkin was designated as the Section's representative to attend the American Association of State Counseling Boards (AASCB) 24<sup>th</sup> Annual Conference in San Diego, CA in January 2011.

**REPORT OF SOCIAL WORKER SECTION**

George Kamps informed the Board of the areas that the Social Work Section has been addressing. He indicated that earlier in the year he attended the Spring Education Meeting of the Association of Social Work Boards (ASWB) and participated in a discussion on the DRL website. George Kamps indicated that this discussion prompted the Section to review the information available on the Section's pages of the Department website. He indicated that Eric Alvin has been working diligently to review the Section's practice questions as provided on the Department website and indicated that he is organizing these questions so that related topics are grouped together, improving the accuracy of existing questions and adding new questions. George Kamps added that the Section is continuing to address its supervisory standards.

## **PUBLIC COMMENTS**

None.

## **OTHER BOARD BUSINESS**

The Board acknowledged that meeting this is likely to be the last with Jeff Scanlan serving as its Bureau Director. The Board discussed its continuity in terms of the anticipated change in administrative staff. Jeff Scanlan was recognized by the Board for his work with the Board and Sections and spoke to his knowledge of the professions under the Board's purview. The Board discussed what measures it could pursue to encourage the retention of Jeff Scanlan as Bureau Director.

**MOTION:** Eric Alvin moved, seconded by Nicholas Smiar, to authorize the Chair to write a letter recommending the retention of Jeff Scanlan in his role as Bureau Director, to be provided to the new Department Secretary requesting the continuance of Jeff Scanlan in his role. Motion carried unanimously.

The Board inquired of the availability of information pertinent to the equalization of the renewal fees across the Section's of the Joint Board. As information about the status of these fees was not available, the Board requested an update at its January meeting.

## **ADJOURNMENT**

**MOTION:** Leslie Mirkin moved, seconded by Eric Alvin, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:48 p.m.