

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

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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 )

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PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 11.02, 12.03, 12.04 and 14.04; to amend MPSW 10.01 (2), 11.04 (intro) and 11.04 (2); and to repeal and recreate MPSW 11.01, 11.035, 11.04 (3), (4), and (5), 12.01, 12.02 and 14.02 relating to licensure, education, exam and supervised practice of professional counseling.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss 457.12, 457.13, 457.14, and 457.15 (3), Stats.

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

**Explanation of agency authority:**

Each examining board shall promulgate rules for its own guidance and for 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 trade or profession. [s. 15.08 (5) (b), Stats.]

The examining board shall upon the advice of the...marriage and family therapist 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 ...marriage and family therapist under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards. [457.03 (1), Stats.]

**Related statute or rule:** n/a

**Plain language analysis:**

Section 1 creates a definition for face-to-face to allow for electronic communication.

Section 2 repeals and recreates the licensure requirements. An applicant is required to file an application with fee, provide evidence of a degree in professional counseling or equivalent, evidence of completion of 3,000 supervised hours, pass a national exam and not have an arrest or conviction record related to professional counseling.

Section 3 repeals the section on approved examinations due to the list of examinations is now incorporated in the licensure requirements.

Section 4 repeals and recreates temporary licenses to clarify the requirements and allow for one renewal of the temporary license to bring into compliance with statutes.

Sections 5, 6, and 7 clarifies reciprocal license, removes an incorrect citations and brings the provision into statutory compliance.

Section 8 repeals and recreates the supervised practice requirement. An applicant is required to complete a supervised practice requirement while holding a training license. Supervision in another state will be recognized for obtaining a license in Wisconsin.

Section 9 repeals and recreates the section relating to the supervised practice. The supervisor must be one of the following: an individual licensed as professional counselor with a doctorate degree; an individual licensed as a professional counselor who has engaged in the practice of professional counseling for 5 years; a psychiatrist; a psychologist; a person employed by the division of vocational rehabilitation as a vocational rehabilitation supervisor who is licensed a professional counselor or engaged in the equivalent of 5 years of professional counseling; or an individual who is approved in advance by the section based upon evidence of 5 years of experience in counseling practice. Supervisor responsibilities include: face-to-face supervision at a frequency and duration as determined by the supervisor but averages out to one hour per week; permit the supervisee to engage only in professional counseling services the supervisor can competently perform; be available for emergency consultation or intervention; be legally and ethically responsible for the supervised activities of the supervisee; be able to interrupt or stop the supervisee from practicing in given cases; and to terminate the supervised relationship. Group supervision may occur in groups no more than 6 persons for every 1 person providing supervision and each person receives credit for one hour for each hour the group meets for supervision.

Section 10 repeals the pre-licensure supervised practice outcome requirement and limitations on group supervision as it is addressed under Section 9.

Section 11 repeals and recreates the academic program equivalent to a doctorate in professional counseling. The doctoral program shall consist of the following: a minimum of 4 academic years of graduate level preparation with a minimum of 96 semester credits; a supervised doctoral level practicum of a minimum of 100 hours in counseling, of which 40 must be in direct service with clients; an internship that totals a minimum of 600 hours; and the practicum and internship require weekly individual or triadic supervision.

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

**Comparison with rules in adjacent states:**

**Illinois:** Illinois applicants must obtain a master's or doctoral degree in counseling, psychology or rehabilitation counseling, pass a national exam, 2 years of full time supervised experience (1680 hours in no less than 48 weeks equals 1 year). Doctoral degrees must be accredited by the Council for Accreditation of Counseling and Related Educational Programs or the Council on Rehabilitation Education. A qualified supervisor is a person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist or psychiatrist. The supervisor is required to meet with the applicant at least one hour per week. Live face to face supervision does not include mail, email, telefax or phone. Group supervision may occur with one supervisor per 5 supervisees.

**Iowa:** Iowa applicants are required to complete a mental health counseling program accredited by the Council on Accreditation of Counseling and Related Educational Programs, pass a national examination and complete 3,000 hours of mental health counseling including 1,500 hours of direct client contact and 200 hours of clinical supervision. A minimum of 25% of all clinical supervision must be in person. Electronic supervision is permitted if the first two meetings are face-to-face and in person and the system utilized is a confidential, interactive, secure, real-time system that provides for visual and audio interaction between the licensee and the supervisor. A temporary license is required for the purpose of fulfilling the postgraduate supervised clinical experience requirement and is valid for three years and may be renewed at the discretion of the board. A person who holds a license in another state may obtain licensure by endorsement provided the licensure requirements are similar to those required in Iowa.

**Michigan:** Michigan applicants are required to have a master's or doctoral degree in counseling or student personnel work in a program approved by the board, pass a national test and engage in 3,000 hours in not less than a 2 year period with not less than 100 hours of regularly scheduled supervision. Supervised hours are required to be accrued while holding a limited license. An applicant applying by endorsement who has engaged in the practice of counseling for a minimum of 5 years is deemed to meet requirements and an applicant applying by endorsement who has engaged in less than 5 years is required to meet the requirements for licensure by examination. Approved supervisors are individuals who were providing supervision on or before January 1, 2013 and have at least 3 years of experience in counseling or individuals who acquired at least 3 years of practice in counseling and have completed required training in the function of counseling supervision.

**Minnesota:** Minnesota applicants are required to complete a master's or doctoral degree program in counseling or a related field, pass a national test and complete 4,000 hours of supervised practice. The supervision shall be done by a board approved supervisor who has at least two years of post licensure experience in the delivery of clinical services. The supervision is to be obtained at the rate of 2 hours of supervision per 40 hours of professional practice. At

least 75% of the supervision must be received in person and the remaining 25% by telephone or audio or audiovisual electronic device. A person who holds a license in another state may obtain licensure by reciprocity provided the licensure requirements are similar to those required in Minnesota.

**Summary of factual data and analytical methodologies:**

The Professional Counselor Section reviewed the rules for statutory compliance and to update and clarify to current standards. Determination of standards for doctoral degree equivalency requirements the Professional Counselor Section reviewed the Council on Accreditation of Counseling and Related Educational Programs standards.

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

The rule was posted for economic impact comments and none were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are 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.

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

Comments may be submitted to 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, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing at 9:00 a.m. on February 15, 2016 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1 MPSW 10.01 (2) is amended to read:

MPSW 10.01 (2) “Face-to-face” means in person or real time video conferencing where all parties can communicate by simultaneous two-way video and audio transmissions.

SECTION 2. MPSW 11.01 is repealed and recreated to read:

**MPSW 11.01 Application for licensure as a professional counselor.** An applicant for a professional counselor license shall submit all of the following:

- (1) An application with the required fee under s. 440.05(1), Stats.
- (2) A certificate of professional education, signed and sealed by the chancellor, dean or registrar of the school from which the applicant has graduated with one of the following approved degrees:
  - (a) A master’s or doctoral degree in professional counseling.
  - (b) A degree from a program which is accredited by the Commission for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE) at the time the applicant graduated.
  - (c) A program which is equivalent to a master’s or doctoral degree in professional counseling by meeting the requirements in MPSW 14.01 or 14.02.
  - (d) A degree awarded by a foreign institution of higher learning which has been evaluated by an organization approved by the section and is equivalent to a degree from a program approved under par. (a) to (c). If the applicant’s education was not received in English, the applicant must demonstrate proficiency in English on an approved test of English as a foreign language.
- (3) Verification the applicant has completed one of the following:
  - (a) After receiving a master’s degree in professional counseling or its equivalent, engaged in the equivalent of at least 3,000 hours of professional counseling practice, including at least 1,000 hours of face-to-face client contact, while holding a valid professional counselor training license and supervised by a person qualified to supervise under MPSW 12.02.
  - (b) Either during or after the doctorate degree program in professional counseling or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice supervised by a person qualified to supervise under MPSW 12.02.
- (4) Verification of a passing score on one of the following:
  - (a) National Counselor Examination (NCE).
  - (b) National Clinical Mental Health Counseling Examination (NCMHCE).
  - (c) Certified Rehabilitation Counselor (CRC) examination.
  - (d) Another examination approved by the section.
- (5) If the applicant has an arrest or conviction record, documentation necessary for the section to determine whether the circumstances substantially relate to professional counseling, subject to ss. 111.321, 111.322 and 111.335, Stats.

SECTION 3. MPSW 11.02 is repealed.

SECTION 4. MPSW 11.035 is repealed and recreated to read:

**MPSW 11.035 Temporary license.** (1) The professional counselor section may issue a temporary license to practice professional counseling to an individual who does all of the following:

- (a) Submits application and pays the fee specified in s. 440.05(6).
- (b) Satisfies the requirements under subs. MPSW 11.01(2) and (3).
- (c) Submitted an application to take the next available examination under subs. MPSW 11.01(4).

(2) A temporary license is valid for a period not to exceed 9 months and may be renewed once.

SECTION 5. MPSW 11.04 (intro) is amended to read:

**MPSW 11.04 Reciprocal license.** The professional counselor section shall grant a license as a professional counselor ~~under s. 457.12~~ to an applicant who pays the fee required by s. 440.05(2), Stats. and provides evidence of all of the following ~~to the section~~:

(1) The applicant has a current credential as a professional counselor or the substantial equivalent in good standing in another state or territory of the United States.

SECTION 6. MPSW 11.04 (2) is amended to read:

**MPSW 11.04 (2)** The requirements for ~~the grant of~~ obtaining the credential in the other state or territory of the United States are substantially equivalent to the requirements ~~for the grant of a license~~ under s. 457.12.

SECTION 7. MPSW 11.04 (3), (4) and (5) are repealed and recreated to read:

(3) Does not have a license, registration or certificate revoke, suspended, limited or subject to any other discipline in any other jurisdiction warranting denial.

(4) Does not have an arrest or conviction record which substantially relate to the practice of professional counseling, subject to ss. 111.321, 111.322 and 111.335, Stats.

(4) A passing score on the Wisconsin statutes and rules examination.

SECTION 8. MPSW 12.01 is repealed and recreated to read:

**MPSW 12.01 Supervised practice requirement.** (1) Except as provided in sub. (4), an applicant for licensure as a professional counselor under s. 457.12, Stats., shall complete a period of supervised practice while holding a valid professional counselor training license before being eligible for licensure. Supervision may be exercised by a person other than an employment supervisor.

(2) The applicant shall complete one of the following supervised practice requirements:

(a) After receiving a master's degree in professional counseling or its equivalent, engaged in the equivalent of at least 3,000 hours of professional counseling practice, including at least 1,000 hours of face-to-face client contact, while holding a valid professional counselor training license and supervised by a person qualified to supervise under MPSW 12.02.

(b) Either during or after the doctorate degree program in professional counseling or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional

counseling practice supervised by a person qualified to supervise under MPSW 12.02. Any supervised practice outside of the doctorate degree program shall be done while holding a valid professional counselor training license.

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

SECTION 9. MPSW 12.02 is repealed and recreated to read:

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

- (a) An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.
- (b) An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling.
- (c) A psychiatrist.
- (d) A psychologist licensed under ch. 455, Stats.
- (e) A person employed by the division of vocational rehabilitation as a vocational rehabilitation supervisor, who is licensed as a professional counselor or who has engaged in the equivalent of 5 years of full-time professional counseling.
- (f) An individual, other than an individual specified in pars. (a) to (e), who is approved in advance by the professional counselor section based upon evidence of 5 years of experience in counseling practice.

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

- (a) Exercise discretion as to the frequency, duration, and intensity of the face-to-face supervision session to meet an average of one hour of supervision per week during the supervised practice period.
- (b) Permit a supervisee to engage in only professional counseling services the supervisor can competently perform.
- (c) Be available or make appropriate provision for emergency consultation or intervention.
- (d) Be legally and ethically responsible for the supervised activities of the supervisee.
- (e) Be able to interrupt or stop the supervisee from practicing in given cases, or recommend to the supervisee's employer that the employer interrupt or stop the supervisee from practicing in given cases.
- (f) To terminate the supervised relationship.

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

- (a) The group shall consist of no more than 6 persons for every 1 person providing supervision.
- (b) Each person receiving supervision as part of the group session receives one hour credit for each hour that the group meets for supervision, but may not credit any time

which is primarily social activity with the group or supervisor as part of a supervision session.

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

SECTION 10. MPSW 12.03 and 12.04 are repealed.

SECTION 11. MPSW 14.02 is repealed and recreated.

**MPSW 14.02 Academic program equivalent to a doctorate in professional counseling.** An academic program is the equivalent of a doctoral degree in professional counseling from an approved institution if the completed program meets the following criteria:

(1) The course work was completed at an institution which was accredited by its regional accrediting association at the time the applicant graduated from the program, and was part of a program of studies leading to a doctoral degree in a field closely related to professional counseling.

(2) The doctoral program consists of a minimum of 4 academic years of graduate-level preparation defined as 8 semesters or 12 quarters with a minimum of 96 semester credits or 144 quarter credits of graduate-level credits required of all students in the program.

(3) Doctoral students are required to participate in a supervised doctoral-level practicum of a minimum of 100 hours in counseling, of which 40 hours must be in direct service with clients. The nature of the doctoral-level practicum experience is to be determined in consultation with program faculty and/or a doctoral committee. During the doctoral student's practicum, supervision by student supervisors is not permissible.

(4) Doctoral students are required to complete doctoral-level counseling internships that total a minimum of 600 hours. The 600 hours may include supervised experiences in clinical practice, research, and teaching. The internship includes most of the activities of a regularly employed professional in the setting. The 600 hours may be allocated at the discretion of the doctoral advisor and the student on the basis of experience and training.

(5) During the practicum and internship, the student receives weekly individual or triadic supervision, performed by a supervisor with a doctorate in professional counseling or a related profession. Group supervision is provided on a regular schedule with other students throughout the internship and is usually performed by a program faculty member.

SECTION 12. MPSW 14.04 is repealed.

SECTION 13. 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.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

MPSW 10, 11, 12, 14

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3. Subject

PC licensure, education, exam and supervised practice

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect       Increase Existing Revenues       Increase Costs  
 Indeterminate       Decrease Existing Revenues       Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy       Specific Businesses/Sectors  
 Local Government Units       Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes       No

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9. Policy Problem Addressed by the Rule

The proposed rule updates and clarifies provisions of the code relating to professional counselor licensure, education, applications and exams.

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10. 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.

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

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11. Identify the local governmental units that participated in the development of this EIA.

None. It does not affect local governmental units.

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12. 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)

This rule will not have an economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the State's economy as a whole.

The Department of Safety and Professional Services will have a decrease in revenues as a result of the elimination of the examination requirement for new applicants for a professional counselor license. The estimated loss of revenues will be approximately \$18,750 which is based on 250 new applicants per year at a cost of \$75 per exam per applicant. The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board does not have the statutory authority to require the examination for new applicants as this requirement is more restrictive than the requirements contained in the statutory provision.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit is having rules which are clear, contain current educational standards and are in compliance with statutes.

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14. Long Range Implications of Implementing the Rule

The long range implication are rules which are current, recognize electronic communication and statutory compliant.

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15. Compare With Approaches Being Used by Federal Government

None

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Our surrounding states are substantially equivalent in their requirements for licensure, education and exams.

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17. Contact Name  
Sharon Henes

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18. Contact Phone Number  
(608) 261-2377

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

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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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)

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

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

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5. Describe the Rule's Enforcement Provisions

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

- Yes    No
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