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**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 5, 2015**

*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.*

**1:00 P.M.**

**AGENDA**

**CALL TO ORDER – ROLL CALL – OPEN SESSION**

- A. **Adoption of the Agenda (1-2)**
- B. **Approval of Minutes**
  - 1) February 19, 2015 **(3-5)**
  - 2) April 10, 2015 **(6)**
- C. **Administrative Matters – Discussion and Consideration**
  - 1) Staff Updates
  - 2) Board Member – Term Expiration Date
    - a. Peter Fabian – 7/1/2018
    - b. Alice Hanson-Drew – 7/1/2013
    - c. Linda Pellmann – 7/1/2015 (*re-appointed, not yet confirmed*)
    - d. MFT Professional Member – **Vacancy**
    - e. Allison Gordon – 7/1/2018
    - f. Charles Lindsey – 7/1/ 2016
    - g. Melissa Gendreau – 7/1/2017 (*appointed, not yet confirmed*)
    - h. PC Public Member – **Vacancy**
    - i. Jennifer Anderson-Meger – 7/1/2017
    - j. Elizabeth Krueger – 7/1/2016
    - k. Nicholas Smiar – 7/1/2014
    - l. Gregory Winkler – 7/1/2015
    - m. SOC Public Member – **Vacancy**
  - 3) Future Meeting Schedule

- D. **Legislative and Administrative Rule Matters – Discussion and Consideration(7-27)**
- 1) MPSW 1.09 Adoption Order Relating to Substance Use Disorder Specialty(8-15)
  - 2) MPSW 16 Legislative Report and Final Rule Draft Relating to Marriage and Family Therapy Supervised Training (16-21)
  - 3) Proposals for amending MPSW 1 Relating to Rules, Application, Exam and Renewal (22-23)
  - 4) Scope for MPSW 5 Relating to Examination (24-25)
  - 5) Update on AB 217 and MPSW 3 and 5 (26-27)
  - 6) Update Legislation and Pending or Possible Rulemaking Projects
- E. **Section Reports**
- F. 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
- G. Public Comments

## **ADJOURNMENT**

The next meeting is January 14, 2016

**JOINT EXAMINING BOARD MEETING  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK JOINT EXAMINING BOARD  
MEETING MINUTES  
FEBRUARY 19, 2015**

**PRESENT:** Jennifer Anderson-Meger, Peter Fabian, Allison Gordon, Alice Hanson-Drew (*Via GoTo Meeting*), Elizabeth Krueger, Linda Pellmann, Nicholas Smiar, Gregory Winkler

**EXCUSED:** Charles Lindsey, Leslie Mirkin

**STAFF:** Dan Williams – Executive Director; Sharon Henes – Rules Coordinator, Nilajah Madison-Head – Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Linda Pellmann called the meeting to order at 9:02 a.m. A quorum of eight (8) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Nicholas Smiar moved, seconded by Elizabeth Krueger, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF DECEMBER 19, 2014**

**MOTION:** Peter Fabian moved, seconded by Jennifer Anderson-Meger, to approve the minutes of December 19, 2014 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election Of Officers**

*Chair*

**NOMINATION:** Peter Fabian nominated Linda Pellmann for the Office of Chair.

Dan Williams called for nominations three (3) times.

Linda Pellmann was elected as Chair by unanimous consent.

*Vice Chair*

**NOMINATION:** Jennifer Anderson-Meger nominated Nicholas Smiar for the Office of Vice Chair.

**NOMINATION:** Peter Fabian nominated Elizabeth Krueger for the Office of Vice Chair. Elizabeth Krueger declined the nomination.

Dan Williams called for nominations three (3) times.

Nicholas Smiar was elected as Vice Chair by unanimous consent.

*Secretary*

**NOMINATION:** Peter Fabian nominated Allison Gordon for the Office of Secretary.

Dan Williams called for nominations three (3) times.

Allison Gordon was elected as Secretary by unanimous consent.

<b>2015 OFFICER ELECTION RESULTS</b>	
<b>Board Chair</b>	Linda Pellmann
<b>Vice Chair</b>	Nicholas Smiar
<b>Secretary</b>	Allison Gordon

**Appointments of Liaisons**

<b>2015 LIAISON APPOINTMENTS</b>	
<b>Specialty Liaison</b>	Peter Fabian

**Delegation of Authority**

**MOTION:** Nicholas Smiar moved, seconded by Elizabeth Krueger, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

**MOTION:** Elizabeth Krueger moved, seconded by Gregory Winkler, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, to appoint liaisons to the Department to act where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

***Specialty Liaison***

**MOTION:** Jennifer Anderson-Meger moved, seconded by Alice Hanson-Drew, the Specialty Liaison is delegated by the Board to address all issues pertaining to a Specialty designation. Motion carried unanimously.

## LEGISLATION AND ADMINISTRATIVE RULE MATTERS

### MPSW 1.09 – Relating to Substance Use Disorder Specialty: Review Clearinghouse Report and Public Hearing Comments

**MOTION:** Peter Fabian moved, seconded by Allison Gordon, to accept all Clearinghouse comments for CR 14-063 relating to Substance Use Specialty. Motion carried unanimously.

**MOTION:** Nicholas Smiar moved, seconded by Elizabeth Krueger, to authorize Peter Fabian to approve the Legislative Report and Draft for Clearinghouse Rule 14-063 relating to Substance Use Specialty for submission to the Governor's Office and Legislature. Motion carried unanimously.

### ADJOURNMENT

**MOTION:** Gregory Winkler moved, seconded by Allison Gordon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:51 a.m.

**JOINT EXAMINING BOARD MEETING  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK JOINT EXAMINING BOARD  
VIRTUAL TELECONFERENCE MEETING MINUTES  
APRIL 10, 2015**

**PRESENT:** Jennifer Anderson-Meger (*Via GoToMeeting*), Peter Fabian (*Via GoToMeeting*)  
Allison Gordon (*Via GoToMeeting*), Alice Hanson-Drew (*Via GoToMeeting*), Charles  
Lindsey (*joined the meeting at 1:39 p.m. Via GoToMeeting*), Leslie Mirkin (*Via  
GoToMeeting*), Linda Pellmann (*Via GoToMeeting*), Nicholas Smiar (*Via  
GoToMeeting*), Gregory Winkler (*Via GoToMeeting*)

**EXCUSED:** Elizabeth Krueger

**STAFF:** Dan Williams – Executive Director; Sharon Henes – Administrative Rules  
Coordinator, Nilajah Madison-Head – Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Linda Pellmann called the meeting to order at 1:36 p.m. A quorum was confirmed.

**ADOPTION OF AGENDA**

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

*(Charles Lindsey joined the meeting at 1:39pm)*

**LEGISLATION AND ADMINISTRATIVE RULE MATTERS**

**Status of Clearinghouse Rule 14-057**

**MOTION:** Nicholas Smiar moved, seconded by Jennifer Anderson-Meger, to recall  
clearinghouse rule 14-057 relating to Social Worker credentials. Motion  
carried unanimously.

**ADJOURNMENT**

**MOTION:** Nicholas Smiar moved, seconded by Charles Lindsey, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 1:42 p.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Sharon Henes Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b>  23 September 2015  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b>  MPSW Joint Board			
<b>4) Meeting Date:</b>  5 October 2015	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislation and Rule Matters – Discussion and Consideration 1. MPSW 1.09 Adoption Order Relating to Substance Use Disorder Specialty 2. MPSW 16 Legislative Report and Final Rule Draft Relating to Marriage and Family Therapy Supervised Training 3. Proposals for amending MPSW 1 Relating to Rules, Application, Exam and Renewal 4. Scope for MPSW 5 Relating to Examination 5. Update on AB 217 6. Pending Legislation and Pending and Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>
<b>10) Describe the issue and action that should be addressed:</b>     			
<b>11) Authorization</b>			
<i>Sharon Henes</i>		<i>23 September 2015</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	
<b>Directions for including supporting documents:</b>			
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

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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 14-063)

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ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal and recreate MPSW 1.09 relating to substance use disorder speciality.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 440.88 and 457.02(5) and (5m), Stats.

**Statutory authority:** ss. 15.08(5)(b) and 457.02(5m), Stats.

**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 establishes the educational and supervised training requirements in rules promulgated by the board to authorize an individual who is certified or licensed by the board to treat alcohol or substance dependency or abuse as a specialty. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying for a credential under s. 440.88, Stats.

**Related statute or rule:**

**Plain language analysis:**

This rulemaking order repeals and recreates s. MPSW 1.09 to create the educational and supervised training requirements for a person credentialed by the board to treat alcohol or substance dependency as a specialty. The Board utilizes the DSM V term substance use disorder rather than the previous DSM IV terms of dependence and abuse.

The first subsection delineates the use of the title and scope of practice. If a person who is credentialed by the board wants to treat substance use disorder as a specialty, without being credentialed under s. 440.88, the person must meet the requirements in this section.

The second subsection recognizes that a credential holder who holds a master's degree would have received education in treatment, therefore, a minimum of 135 contact hours of substance use disorder education is required to supplement that education in four subject matter areas (understanding addiction; knowledge of addiction treatment; application to addiction practice; and professional readiness in addiction treatment). The credential holder would also be required to have 200 hours of supervised face-to-face client treatment. The education could be obtained in the course of earning the master's degree or in the addition of the degree. The 200 hours of supervised training may have been obtained during or separately of the hours required to obtain the underlying credential.

The third subsection provides the requirements for a credential holder who holds a bachelor's degree would not have had the advance education. The requirements include 180 contact hours of substance use disorder education in four subject matter areas (understanding addiction; treatment knowledge; application to practice; and professional readiness) which must include specific content within each subject matter area and 1,000 hours of supervised face-to-face client substance use disorder treatment experience. The education could be obtained in the course of earning of the bachelor's degree or in addition to the degree. The 1,000 hours of supervised training may have been obtained during or separately of the hours required to obtain the underlying credential.

The fourth subsection indicates the qualifications for a person who is supervising the person obtaining the training for the specialty. The following people are qualified, provided they have knowledge in psychopharmacology and addiction treatment: a licensed marriage and family therapist, a licensed professional counselor, a licensed clinical social worker, a licensed psychologist, a licensed physician, a clinical supervisor as defined by DHS 75.02(11) or another individual approved in advance of the training by the board.

The fifth subsection indicates that at least 6 continuing education hours in substance use disorder must be obtained during each biennial credentialing period. This continuing education may be counted toward the continuing education required for the renewal of the underlying credential.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

**Iowa:** Iowa does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

**Michigan:** Michigan does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

**Minnesota:** Minnesota does not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

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

The Board considered the requirements for qualifying for a credential under s. 440.88, Stats, *Scopes of Practice & Career Ladder for Substance Use Disorder Counseling* (September 2011) by Substance Abuse and Mental Health Services Administration and U.S. Department of Health and Human Services and the Technical Assistance Publication Series *Addiction Counseling Competencies* (March 2008) by Substance Abuse and Mental Health Services Administration.

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

In preparation of the EIA, the rule was posted for economic comments for a period of 14 days and received no comments. The Board determines there is no effect on small business.

**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 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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TEXT OF RULE

SECTION 1. MPSW 1.09 is repealed and recreated to read:

**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 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 bachelor’s degree for a credential issued by this board shall meet all of the following:

(a) A minimum of 180 contact hours of substance use disorder education, which may be obtained during degree or additional to the degree. The education shall be in all the following areas:

1. Understanding addiction including all of the following:
  - a. Knowledge of drug use, abuse and interaction.
  - b. Understand a variety of models and theories of addiction and other problems related to substance use.
  - c. Recognize the social, political, economic, and cultural context within which addiction and substance abuse exist, including risk and resiliency factors that characterize individuals and groups and their living environments.
  - d. Describe the behavioral, psychological, physical health, and social effects of psychoactive substances on the person using and on the person’s significant others.

- e. Recognize the potential for substance use disorders to mimic a variety of medical and mental health conditions and the potential for medical and mental health conditions to coexist with addiction and substance abuse.
2. Treatment knowledge including all of the following:
    - a. Describe the philosophies, practices, policies, and outcomes of the most generally accepted and scientifically supported models of treatment, recovery, relapse prevention, and continuing care for addiction and other substance-related problems.
    - b. Recognize the importance of family, social networks, and community systems in the treatment and recovery process.
    - c. Understand the importance of research and outcome data and their application in clinical practice.
    - d. Understand the value of an interdisciplinary approach to addiction treatment.
  3. Application to practice including all of the following:
    - a. Understand the established diagnostic criteria for substance use disorders, and describe treatment modalities and placement criteria within the continuum of care.
    - b. Describe a variety of helping strategies for reducing the negative effects of substance use, abuse and dependence.
    - c. Tailor helping strategies and treatment modalities to the client's stage of dependence, change, or recovery.
    - d. Provide treatment services appropriate to the personal and cultural identity and language of the client.
    - e. Adapt practice to the range of treatment settings and modalities.
    - f. Be familiar with medical and pharmacological resources in the treatment of substance use disorders.
    - g. Understand the variety of insurance and health maintenance options available and the importance of helping clients access those benefits.
    - h. Recognize that crisis may indicate an underlying substance use disorder and may be a window of opportunity for change.
    - i. Understand the need for and the use of methods for measuring treatment outcome.
  4. Professional readiness including all of the following:
    - a. Understand diverse cultures, and incorporate the relevant needs of culturally diverse groups, as well as people with disabilities, into clinical practice.
    - b. Understand the importance of self-awareness in one's personal, professional, and cultural life.
    - c. Understand the addiction professional's obligations to adhere to ethical and behavioral standards of conduct in the helping relationship.
    - d. Understand the importance of ongoing supervision and continuing education in the delivery of client services.
    - e. Understand the obligation of the addiction professional to participate in prevention and treatment activities.
    - f. Understand and apply setting-specific policies and procedures for handling crisis or dangerous situations, including safety measures for clients and staff.
- (b) A minimum of 1,000 hours of face-to-face substance use disorder treatment experience, under the supervision of a qualified supervisor, with individuals diagnosed with substance use

disorders which can be either the same as or separate from the hours obtained for the credential issued by the board.

(4) **QUALIFIED SUPERVISORS.** A qualified supervisor is a person who is knowledgeable in psychopharmacology and addiction treatment and is any of the following:

- (a) A clinical supervisor as defined by DHS 75.02(11).
- (b) A licensed marriage and family therapist.
- (c) A licensed professional counselor.
- (d) A licensed clinical social worker.
- (e) A licensed psychologist.
- (f) A licensed physician.
- (g) An individual, other than an individual specified in par (a) through (f) who is approved in advance by the board.

(5) **CONTINUING EDUCATION.** To maintain the authority to treat alcohol or substance dependency or abuse as a specialty, a credential holder must complete at least 6 continuing education hours during each biennial credentialing period in substance abuse disorder. The continuing education may be counted toward the continuing education required for renewal of the underlying credential.

**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.

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(END OF TEXT OF RULE)  
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Dated \_\_\_\_\_

Agency \_\_\_\_\_

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

## 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 1.09 and 1.095

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3. Subject  
Substance Abuse Specialty

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4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
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6. Fiscal Effect of Implementing the Rule

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
<input type="checkbox"/> Decrease Cost		

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

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	

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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 clarifies and updates the educational and supervised training requirements for a person credentialed by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to treat alcohol or substance dependency as a specialty.

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

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11. Identify the local governmental units that participated in the development of this EIA.  
None. This will 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 and fiscal impact on businesses, business sectors, public utility rate payers, local governmental units and the state's economy as a whole.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule  
The benefit is to clearly delineate the requirements for a person credentialed by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to treat alcohol or substance dependency as a specialty.

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14. Long Range Implications of Implementing the Rule  
The long range implication is the requirements are clearer and have been updated to reflect current practices and trends.

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15. Compare With Approaches Being Used by Federal Government  
None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Our neighboring states do not have requirements for a marriage and family therapist, professional counselor or social worker to obtain specified education or training to specialize in substance use disorder treatment.

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17. Contact Name Sharon Henes	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:
- 

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
-

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

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
MARRIAGE AND FAMILY THERAPY, : CR 15-017  
PROFESSIONAL COUNSELING AND :  
SOCIAL WORKER EXAMINING BOARD :**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS: N/A**

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The legislature removed the requirement that the supervised marriage and family therapy practice be completed in no less than 2 years from s. 457.10, Stats. when it inserted the 3,000 hour requirement. This proposed rule removes the no less than 2 years requirement to bring the rule into conformity with the statute.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Marriage and Family Therapist Section of the Marriage and Family Therapy, Professional Counselors, and Social Work Examining Board held a public hearing on March 30, 2015. No one provided written or oral testimony.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A**

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 15-017)

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PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend MPSW 16.01(1)(b) and (2)(a) relating to supervised hours for marriage and family therapists.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 457.10, Stats.

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

**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. 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. s. 457.03 (1)

**Related statute or rule:** None

**Plain language analysis:**

Sections 1 and 2 remove a requirement which is not in statute for licensure as a marriage and family therapist. The legislature removed the requirement that the supervised marriage and family therapist practice be completed in no less than 2 years from s. 457.10, Stats. when it

inserted the 3,000 hour requirement. This amendment removes the requirement which remained in the administrative code after the statutory change.

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

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires the completion of at least 3,000 hours of professional work experience in not less than a 2 year period and no more than 5 years.

**Iowa:** Iowa does not require the 3,000 hours of supervised practice occur during a specific timeframe.

**Michigan:** Michigan does not require the 1,000 hours of supervised practice occur during a specific timeframe.

**Minnesota:** Minnesota requires 2 years of supervised experience computed as being a minimum of 1,000 of clinical client contact over a period of not less than 24 months.

**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:**

The board posted the rule for economic comments for 14 days and received none. This rule revision brings the rule in conformity with statute and does not have an economic effect.

**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) 266-2435.

**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 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 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before the public hearing to be held at 9:15 a.m. on March 30, 2015 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. MPSW 16.01 (1) (b) is amended to read:

MPSW 16.01(1)(b) An affidavit that the applicant has completed at least 3,000 hours of marriage and family therapy practice ~~in no less than 2 years~~, including at least 1,000 hours of face-to-face client contact, under the supervision of a supervisor pursuant to s. MPSW 16.05.

SECTION 2. MPSW 16.01 (2) (a) is amended to read:

MPSW 16.01(2)(a) An affidavit that the applicant has completed at least 3,000 hours of marriage and family therapy practice ~~in no less than 2 years~~, including at least 1,000 hours of face-to-face client contact, under the supervision of a supervisor pursuant to s. MPSW 16.05.

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

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(END OF TEXT OF RULE)

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This Proposed Order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

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

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number MPSW 16	
3. Subject Supervised training	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
7. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule The legislature removed "no less than 2 years" requirement for supervised practice when it inserted the 3,000 hour requirement. This rule brings the code in compliance with the statute. The 3000 hours could be completed in less than 2 years and having to wait additional months to get licensed is a burden to the applicant.	
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. The rule was posted for economic comments and none were received.	
11. Identify the local governmental units that participated in the development of this EIA. None. Local governmental units are not affected by the rule.	
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) There is no economic impact on business, public utility rate payers, local governmental units or the economy as a whole.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit is removing an additional requirement from the code than what is currently in statute.	
14. Long Range Implications of Implementing the Rule The benefit is removing an additional requirement from the code than what is currently in statute.	
15. Compare With Approaches Being Used by Federal Government None	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Iowa and Michigan do not required the supervised hours to be completed with a specified timeframe. Illinois requires completion of at least 3000 hours in not less than 2 years and no more than 5 years. Minnesota requires 2 years of supervised experience.	
17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377

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:
- 

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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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) 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.

SECTION 3. MPSW 1.04 (2) (intro), (a) and (b) are repealed.

SECTION 4. MPSW 1.05 (1) and (3) are repealed.

SECTION 5. MPSW 1.05 (6) is amended to read:

**MPSW 1.05(6)** ~~Applicants shall pass each part of the examination. An applicant who fails either part I or part II of the examination shall retake that part of the examination.~~ The passing grade on each part of the examination is determined by the board to represent competence sufficient to protect the public health, safety and welfare. The board may adopt the recommended passing score of the examination provider for part I of the examination.

SECTION 6. MPSW 1.05 (7) is repealed.

SECTION 7. MPSW 1.06 (intro) is amended to read:

**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 the applicant shall follow the examination provider's review procedures.

SECTION 8. MPSW 1.06 (1), (2), (3), (4), (5), (6) and (7) are repealed.

SECTION 9. MPSW 1.07 is repealed.

SECTION 10. MPSW 1.08 is repealed.

SECTION 11. MPSW 1.085 is created.

**MPSW 1.085 Credential renewal and reinstatement procedures.** (1) RENEWAL BY EXPIRATION DATE. A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. 440.03(9)(a), Stats. and attesting to completion of the continuing education required under s. MPSW 19.02.

**(2) RENEWAL WITHIN 5 YEARS.** If the credential is renewed after the expiration date and within 5 years of the expiration, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. 440.03(9)(a), Stats., attesting to completion of the continuing education required under s. MPSW 19.02. and pay a late renewal fee.

**(3) RENEWAL AFTER 5 YEARS.** This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years by complying with all of the following:

(a) Payment of the renewal fee determined by the department under s. 440.03(9)(a) and the late renewal fee.

(b) Evidence of one of the following:

1. An active license in good standing in another state.

2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

**(4) REINSTATEMENT.** A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (3) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

**SECTION 12. 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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# STATEMENT OF SCOPE

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

Rule No.: MPWS 5

Relating to: Social Work Examinations

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only):** N/A

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

The objective of the proposed rule is to remove the provisions requiring social worker, advanced practice social worker, independent social worker and clinical social worker applicants to complete an examination on the Wisconsin statutes and rules (state laws) in addition to the examination approved by the section on minimum competence.

This rule will not remove the state law examination requirement for a reciprocity applicant or an applicant who holds a social worker training certificate

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

S. 457.08, Stats. requires applicants for a social worker, advanced practice social worker, independent social worker and clinical social worker credentials to pass an examination to determine minimum competence to practice (one of the national social worker exams). Applicants who are licensed in another state may apply under the reciprocal provisions under s. 457.15(1), Stats and are required to pass an examination that tests knowledge of state law. Applicants for a social worker credential who are applying through the social worker training certificate provisions under s. 457.09, Stats. are required to pass the national social worker examination and an examination on the state laws.

There is no statutory requirement for applicants for a social worker (unless the applicant holds a social worker training certificate), advanced practice social worker, independent social worker and clinical social worker credentials to pass an examination on the state laws. An Attorney General Opinion (OAG 4-99) states the Examining Board may not require applicants for reciprocal certificates to pass an examination covering state law in the absence of a statutory requirement. Following OAG 4-99, the Board sought and obtained the statutory requirement for those applying by reciprocity to pass an examination on the state laws. However, there is no statutory requirement for those who are applying for an initial credential.

This proposed rule would remove the state laws examination requirement for those applying for a social worker, advanced practice social worker, independent social worker or clinical social worker credential due to the absence of a statutory requirement.

The alternative to removing this requirement is inconsistency between the statute and rule and maintaining a rule which implements a requirement that is not explicitly required or permitted by statute.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

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

457.03 The examining board shall upon the advice of the social worker section...promulgate rules establishing minimum standards for educational programs that must be completed for certification or licensure under this chapter and for supervised clinical training that must be completed for licensure as a clinical social worker...and approve educational programs and supervised clinical training programs in accordance with those standards.

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

50 hours

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

Applicants for social worker, advanced practice social worker, independent worker and clinical social worker credentials.

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

None

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal. It is not likely to have a significant economic impact on small business.

**Contact Person:** Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 217**

June 11, 2015 – Offered by Representative T. LARSON.

1 **AN ACT to amend** 457.08 (4) (c) (intro.) of the statutes; **relating to:** practice  
2 requirement for licensure as a clinical social worker.

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***Analysis by the Legislative Reference Bureau***

Under current law, the social worker section of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board must grant a clinical social worker license to an individual who, among other things, has engaged in the equivalent of at least 3,000 hours of supervised clinical social work practice, including at least 1,000 hours of face-to-face client contact. Under this substitute amendment, that 1,000 hours of face-to-face client contact must include the diagnosis and treatment of individuals based on a standard diagnostic protocol approved by the board for a number of hours determined by the board.

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

3 **SECTION 1.** 457.08 (4) (c) (intro.) of the statutes is amended to read:  
4 457.08 (4) (c) (intro.) Submits evidence satisfactory to the social worker section  
5 that after receiving a master's or doctorate degree in social work he or she has

1 engaged in the equivalent of at least 3,000 hours of clinical social work practice  
2 supervised by one of the following, including at least 1,000 hours of face-to-face  
3 client contact, ~~supervised by one of the following~~ that shall include a number of  
4 hours, as determined by the examining board, of diagnosis and treatment of  
5 individuals based on a standard diagnostic protocol approved by the examining  
6 board:

7 (END)