

CHAPTER 457

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

457.01	Definitions.	457.12	Professional counselor license.
457.02	Applicability.	457.13	Professional counselor training license.
457.03	Duties and powers of examining board and sections.	457.14	Temporary certificates and licenses.
457.033	Psychometric testing.	457.15	Reciprocal certificates and licenses.
457.035	Psychotherapy rules.	457.16	Examinations.
457.04	Prohibited practices.	457.20	Issuance of certificate; expiration and renewal.
457.06	General requirements for certification or licensure.	457.22	Continuing education.
457.08	Social worker certificates and licenses.	457.24	Professional liability insurance.
457.09	Social worker training certificate.	457.25	Reporting requirements.
457.10	Marriage and family therapist license.	457.26	Disciplinary proceedings and actions.
457.11	Marriage and family therapist training license.	457.28	Injunctive relief.

Cross-reference: See definitions in s. 440.01.

Cross-reference: See also MPSW, Wis. adm. code.

457.01 Definitions. In this chapter:

(1c) “Advanced practice social worker” means an individual who holds an advanced practice social worker certificate granted by the social worker section.

(1g) “Certificate holder” means an individual who is certified under this chapter.

(1n) “Clinical social work” means providing services without supervision for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups, to restore, maintain, and enhance social functioning through treatment interventions that include psychosocial evaluation, counseling of individuals, families, or groups, referral to community resources, advocacy, facilitation of organizational change to meet social needs, and individual, marital, or group psychotherapy.

(1r) “Clinical social worker” means an individual who holds a license to practice clinical social work granted by the social worker section.

(1w) “Credential” means a license or certificate granted under this chapter.

(2) “Examining board” means the marriage and family therapy, professional counseling, and social work examining board.

(2g) “Independent social worker” means an individual who holds an independent social worker certificate granted by the social worker section.

(2r) “Licensee” means a person who is licensed under this chapter.

(3) “Marriage and family therapist” means an individual who holds a license to practice marriage and family therapy granted by the marriage and family therapist section.

(4) “Marriage and family therapist section” means the marriage and family therapist section of the examining board.

(5) “Marriage and family therapy” means applying psychotherapeutic and marital or family systems theories and techniques in the assessment, marital or family diagnosis, prevention, treatment or resolution of a cognitive, affective, behavioral, nervous or mental disorder of an individual, couple or family.

(6) “Professional counseling” means applying a combination of human development, rehabilitation and either psychosocial or psychotherapeutic principles, procedures or services that integrate a wellness, pathology and multicultural model of human behavior in order to assist an individual, couple, family, group of individuals, organization, institution or community to achieve mental, emotional, physical, social, moral, educational, spiritual, vocational or career development and adjustment through the life span of the individual, couple, family, group of individuals, organization, institution or community.

(7) “Professional counselor” means an individual who holds a license to practice professional counseling granted by the professional counselor section.

(8) “Professional counselor section” means the professional counselor section of the examining board.

(8e) “Psychiatrist” means a physician licensed under subch. II of ch. 448 who specializes in psychiatry.

(8m) “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or intrapersonal, interpersonal, or psychosocial dynamics.

(9) “Social work” means applying psychosocial or counseling principles, methods, or procedures in the assessment, evaluation, or psychosocial diagnosis, prevention, treatment, or resolution of a difficulty in the social, psychological, personal, emotional, or mental functioning of an individual, couple, family, group of individuals, or community, including the enhancement or restoration of, or the creation of societal conditions favorable to the enhancement or restoration of, the capacity of an individual, couple, family, group of individuals, or community for social functioning or the delivery of services to a group of individuals or a community to assist the group or community in providing or improving the provision of social or health services to others.

(10) “Social worker” means an individual who holds a social worker certificate granted by the social worker section.

(11) “Social worker section” means the social worker section of the examining board.

History: 1991 a. 160; 2001 a. 80.

457.02 Applicability. This chapter does not do any of the following:

(1) Require any individual to be certified or licensed under this chapter in order to use the title “pastoral counselor,” “investment counselor,” “vocational counselor,” “career counselor,” “alcohol and drug counselor,” “chemical dependency counselor,” or “employee assistance counselor,” or to engage in such counseling, if the individual does not use any other title or designation that represents or may tend to represent that he or she is certified or licensed under this chapter, and does not represent himself or herself as an individual who engages in social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

(2) Require any individual who is licensed as a school social worker or school counselor by the department of public instruction to be certified or licensed under this chapter in order to use the title “school social worker” or “school counselor.”

(3) Require a person who is licensed as a psychologist under ch. 455 or who is a psychiatrist to be licensed under this chapter in order to use the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor” if the psychologist or psychiatrist does not use the term “licensed,” “certified,” or “registered” or any similar term in connection with the title “marriage and family therapist,” “marriage and family counselor,” or “professional counselor.”

(4) Authorize any individual who is certified or licensed under this chapter to use the title “school social worker” or “school counselor” unless the individual is licensed as a school social worker or school counselor by the department of public instruction.

(5) Authorize any individual who is certified or licensed under this chapter to use the title “alcohol and drug counselor” or “chemical dependency counselor” unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the department.

(5m) Authorize any individual who is certified or licensed under this chapter to treat alcohol or substance dependency or abuse as a specialty unless the individual is a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the examining board. In promulgating rules under this subsection, the examining board shall consider the requirements for qualifying as a certified substance abuse counselor, clinical supervisor, or prevention specialist under s. 440.88.

(6) Require a credential for a person to do any of the following:

(a) Lawfully practice within the scope of a license, permit, registration, or certificate granted by this state or the federal government, or granted through a process recognized by the department of health services, including practicing psychotherapy under such a license, permit, registration, or certificate.

(b) Practice psychotherapy, if the person satisfies one of the following:

1. The person is registered as a music, art, or dance therapist under s. 440.03 (14) (a) and the person holds a valid license granted by the department under s. 440.03 (14) (am).

2. The person is a mental health professional who meets all of the qualifications under s. DHS 61.96, Wis. Adm. Code, for employment as a mental health professional in an outpatient psychotherapy clinic certified by the department of health services under s. DHS 61.95, Wis. Adm. Code, if the person’s practice of psychotherapy is a part of the duties for which he or she is employed by such a clinic and the person practices psychotherapy solely within the confines of or under the jurisdiction of the clinic.

(c) Provide a consultation or demonstration with an individual licensed under this chapter if the person providing the consultation or demonstration is licensed to practice marriage and family therapy, professional counseling, or clinical social work in another state or territory of the United States.

History: 1991 a. 160; 1995 a. 27 ss. 9126 (19), 9145 (1); 1997 a. 27; 2001 a. 80, 105; 2005 a. 25, 254, 407; 2007 a. 20 s. 9121 (6) (a); 2009 a. 180.

457.03 Duties and powers of examining board and sections.

The examining board shall do all of the following:

(1) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor 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, marriage and family therapist, or professional counselor under this chapter and approve educational programs and supervised clinical training programs in accordance with those standards.

(2) Upon the advice of the social worker section, marriage and family therapist section, and professional counselor section, promulgate rules establishing a code of ethics to govern the profes-

sional conduct of certificate holders and licensees. The rules shall specify the services included within the practice of social work, advanced practice social work, or independent social work that an individual who is certified under this chapter as a social worker, advanced practice social worker, or independent social worker may perform and the degree of supervision, if any, required to perform those services.

(3) Upon the advice of the social worker section, promulgate rules establishing levels of social work practice for individuals with master’s or doctoral degrees in social work, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) and (3), and establishing appropriate educational, training, experience, examination, and continuing education requirements for certification and renewal of a certificate at each level of practice established in rules promulgated under this subsection.

History: 1991 a. 160; 2001 a. 80; 2005 a. 422.

Cross-reference: See also chs. MPSW 1, 3, 6, and 20, Wis. adm. code.

457.033 Psychometric testing. The marriage and family therapy, professional counseling, and social work examining board and the psychology examining board shall jointly promulgate rules that specify the different levels of psychometric testing that an individual who is certified or licensed under this chapter is qualified to perform. Such rules shall be consistent with the guidelines of the American Psychological Association, or other nationally recognized guidelines, for performing psychometric testing. A certificate holder or licensee may not engage in psychometric testing except as provided under the rules promulgated under this section.

History: 2001 a. 80.

457.035 Psychotherapy rules. The examining board may not promulgate rules under s. 457.03 that permit an individual to engage in psychotherapy unless one of the following applies:

(1) The individual is licensed under this chapter as a clinical social worker, marriage and family therapist, or professional counselor.

(2) The individual is certified as an advanced practice or independent social worker and the individual engages in psychotherapy only under the supervision of an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

History: 2001 a. 80.

457.04 Prohibited practices. Except as provided in ss. 257.03 and 457.02, no person may do any of the following:

(1) Use the title “social worker” unless the person is certified as a social worker under this chapter.

(2) Use the title “advanced practice social worker” unless the person is certified as an advanced practice social worker under this chapter.

(3) Use the title “independent social worker” unless the person is certified as an independent social worker under this chapter.

(4) Practice clinical social work or designate himself or herself as a clinical social worker or use or assume the title “clinical social worker” or any other title or designation that represents or may tend to represent the person as a clinical social worker unless the person is licensed as a clinical social worker under this chapter or unless the person is certified under this chapter as an advanced practice social worker or independent social worker and the person practices clinical social work under the supervision of a person who is licensed as a clinical social worker under this chapter.

(5) Practice marriage and family therapy or designate himself or herself as a marriage and family therapist or use or assume the title “marriage and family therapist,” “marriage and family counselor,” or any other title or designation that represents or may tend to represent the person as a marriage and family therapist unless any of the following applies:

(a) The person is licensed as a marriage and family therapist under this chapter.

(b) The person is licensed as a clinical social worker under this chapter and initially became certified as an independent clinical

social worker under ch. 457, 1999 stats., on or before May 31, 1995.

(6) Practice professional counseling or designate himself or herself as a professional counselor or use or assume the title “professional counselor,” “professional rehabilitation counselor,” “vocational rehabilitation counselor,” “rehabilitation counselor,” or any other title or designation that represents or may tend to represent the person as a professional counselor unless the person is licensed as a professional counselor under this chapter.

(7) Practice psychotherapy unless the person is licensed under this chapter or unless the person is a certificate holder who may practice psychotherapy under the rules promulgated under ss. 457.03 and 457.035.

(8) Practice clinical social work, marriage and family therapy, or professional counseling without notifying his or her client in writing of the procedure to follow to resolve a grievance. The notice required under this subsection shall provide one of the following options for resolving a grievance to the client:

(a) A grievance resolution procedure that contains all of the following elements:

1. The name, address, and telephone number of, and any other contact information available for, the appropriate section of the examining board that is responsible for receiving a complaint and investigating and conducting a hearing under s. 457.26 (1).

2. The name, address, and telephone number of, and any other contact information available for, a person not involved in the services, therapy, or counseling giving rise to the complaint who would be available to receive and investigate a complaint.

3. The manner by which a client may present a complaint to a person identified in subd. 1. or 2.

4. The manner by which a client may appeal the resolution of a complaint presented in subd. 3.

5. Time limits for filing, processing, and appealing the resolution of a complaint presented under subd. 3.

6. Protections against retaliation for a client who presents a complaint under subd. 3. and for any person who assists the client to present a complaint under subd. 3.

(b) A grievance resolution procedure that complies with the rules promulgated under s. 51.61 (5) (b).

(c) A grievance resolution procedure that is available to the credential holder through a professional association of which the credential holder is a member.

History: 1991 a. 160; 2001 a. 80; 2005 a. 96; 2009 a. 28, 42.

Cross-reference: See also ch. MPSW 20, Wis. adm. code.

457.06 General requirements for certification or licensure. The social worker section, marriage and family therapist section, or professional counselor section may not grant any certificate or license under this chapter unless the applicant does all of the following:

(1) Submits an application for the certificate or license to the department on a form provided by the department.

(2) Pays the fee specified in s. 440.05 (1).

History: 1991 a. 160; 2001 a. 80.

457.08 Social worker certificates and licenses.

(1) **SOCIAL WORKER CERTIFICATE.** The social worker section shall grant a social worker certificate to an individual who qualifies under s. 457.09 (5) (d) or to any individual who does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a bachelor’s or master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Passes an examination approved by the social worker section to determine minimum competence to practice as a social worker as specified in the rules promulgated under s. 457.03 (2).

(2) **ADVANCED PRACTICE SOCIAL WORKER CERTIFICATE.** The social worker section shall grant an advanced practice social worker certificate to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Passes an examination approved by the social worker section to determine minimum competence to practice as an advanced practice social worker as specified in the rules promulgated under s. 457.03 (2).

(3) **INDEPENDENT SOCIAL WORKER CERTIFICATE.** The social worker section shall grant an independent social worker certificate to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

(c) Submits evidence satisfactory to the social worker section that after receiving a master’s or doctorate degree in social work he or she has engaged in the equivalent of at least 2 years of full-time supervised social work practice approved by the social worker section.

Cross-reference: See also ch. MPSW 4, Wis. adm. code.

(d) Passes an examination approved by the social worker section to determine minimum competence to practice as an independent social worker as specified in the rules promulgated under s. 457.03 (2) or passes the academy of certified social workers examination administered by the National Association of Social Workers.

(4) **CLINICAL SOCIAL WORKER LICENSE.** The social worker section shall grant a clinical social worker license to any individual who is certified under sub. (1) and does all of the following:

(a) Satisfies the requirements in s. 457.06.

(b) Submits evidence satisfactory to the social worker section that he or she satisfies each of the following:

1. The individual has received a master’s degree in social work from a program accredited by, or a preaccreditation program of, the council on social work education or a doctorate degree in social work.

2. As part of the master’s or doctorate degree program specified in subd. 1. or postgraduate studies, the individual has completed a clinical social work concentration and supervised clinical field training, both of which are approved by the social worker section, except that, upon the advice of the social worker section, the examining board may promulgate rules that allow an individual to substitute a specified number of hours of supervised clinical work experience for the supervised clinical field training.

(c) Submits evidence satisfactory to the social worker section that after receiving a master’s or doctorate degree in social work he or she has engaged in the equivalent of at least 3,000 hours of clinical social work practice, including at least 1,000 hours of face-to-face client contact, supervised by one of the following:

1. An individual licensed as a clinical social worker who has received a doctorate degree in social work.

2. An individual licensed as a clinical social worker who has engaged in the equivalent of 5 years of full-time clinical social work.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the social worker section or satisfies requirements for supervision that are specified in rules pro-

mulgated by the examining board upon the advice of the social worker section.

Cross-reference: See also ch. MPSW 4, Wis. adm. code.

(d) Passes an examination approved by the social worker section to determine minimum competence to practice as a clinical social worker.

History: 1991 a. 160; 1995 a. 27; 2001 a. 80; 2003 a. 301.

Cross-reference: See also ch. MPSW 3, Wis. adm. code.

457.09 Social worker training certificate. (1) The social worker section shall grant a social worker training certificate to any individual who does all of the following:

(a) Submits an application for the certificate to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Submits evidence satisfactory to the social worker section that he or she has a bachelor's degree from an accredited college or university in psychology, sociology, criminal justice or another human service program approved by the section.

(d) Submits a statement to the social worker section that he or she is seeking to attain social worker degree equivalency under sub. (4) while he or she holds a social worker training certificate.

(2) (a) Notwithstanding s. 457.04 (1), a social worker training certificate authorizes the holder to use the title specified in s. 457.04 (1) during the period in which the certificate is valid.

(b) A social worker training certificate holder is a social worker certified under this chapter for purposes of any law governing social workers certified under this chapter.

(3) (a) Except as provided in par. (b), a social worker training certificate is valid for 24 months.

(b) A social worker training certificate shall expire on the date on which the certificate holder receives the results of the examination that he or she has taken under sub. (5) (a) if that date occurs before the end of the period specified in par. (a).

(c) A social worker training certificate may not be renewed.

(4) During the period in which a social worker training certificate is valid, the certificate holder shall do all of the following:

(a) Seek to attain social worker degree equivalency by completing courses relating to all of the following in a social work program or other human services program at an accredited college or university:

1. Social welfare policy and services.
2. Social work practice methods with individuals, families, small groups, communities, organizations and social institutions.
3. Human behavior in the social environment, including human growth and development and social systems theory.

(b) Complete one of the following:

1. A human services internship that involves direct practice with clients and that is supervised by a social worker certified under this chapter who has a bachelor's or master's degree in social work.

2. One year of social work employment that involves direct practice with clients and that is supervised by a social worker certified under this chapter who has a bachelor's or master's degree in social work.

(4m) (a) The social worker section shall determine whether a course, internship or employment satisfies the requirements under sub. (4) and whether a social worker training certificate holder has attained social worker degree equivalency.

(b) Notwithstanding sub. (4), for the purpose of determining whether a social worker training certificate holder has attained social worker degree equivalency under sub. (4), the section shall apply course work or internships that the certificate holder completed, or employment that the certificate holder held, as part of the program leading to the degree that he or she specified to satisfy the requirement in sub. (1) (c) if the course work, internship or employment satisfies the requirements in sub. (4).

(5) (a) A social worker training certificate holder may take the national social work examination at any time before or after he or she completes the requirements under sub. (4).

(b) If a social worker training certificate holder passes the examination specified under par. (a), he or she shall be permitted to take an examination approved by the social worker section that tests knowledge of state law relating to social work.

(c) If an individual fails an examination specified under par. (a) or (b), he or she may retake the examination. The social worker section may not place any restrictions on the number of times an individual may retake the examinations specified under pars. (a) and (b).

(d) The social worker section shall grant a social worker certificate to an individual who has held a social worker training certificate and who passes the examinations specified under pars. (a) and (b).

History: 1995 a. 27; 2001 a. 80.

Cross-reference: See also s. MPSW 3.13, Wis. adm. code.

457.10 Marriage and family therapist license. The marriage and family therapist section shall grant a marriage and family therapist license to any individual who does all of the following:

(1) Satisfies the requirements in s. 457.06.

(2) Submits evidence satisfactory to the marriage and family therapist section that he or she has done any of the following:

(a) Received a master's or doctorate degree in marriage and family therapy from a program accredited by the commission on accreditation for marriage and family therapy education.

(b) Received a master's or doctorate degree in marriage and family therapy, psychology, sociology, social work, professional counseling or other mental health field that included course work that the marriage and family therapist section determines is substantially equivalent to the course work required for a master's or doctorate degree in marriage and family therapy described under par. (a).

(3) Submits evidence satisfactory to the marriage and family therapist section that after receiving a master's or doctorate degree required under sub. (2) he or she has engaged in the equivalent of at least 3,000 hours of marriage and family therapy practice, including at least 1,000 hours of face-to-face client contact, supervised by one of the following:

(a) An individual licensed as a marriage and family therapist who has received a doctorate degree in marriage and family therapy.

(b) An individual licensed as a marriage and family therapist who has engaged in the equivalent of 5 years of full-time marriage and family therapy practice.

(c) A psychiatrist or a psychologist licensed under ch. 455.

(d) An individual, other than an individual specified in par. (a), (b), or (c), who is approved by the marriage and family therapist section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the marriage and family therapist section.

(4) Passes an examination approved by the marriage and family therapist section to determine minimum competence to practice marriage and family therapy.

History: 1991 a. 160; 2001 a. 80.

Cross-reference: See also chs. MPSW 15, 16, and 18, Wis. adm. code.

457.11 Marriage and family therapist training license.

(1) The marriage and family therapist section shall grant a marriage and family therapist training license to any individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Satisfies the requirements in s. 457.10 (2), or submits proof satisfactory to the marriage and family therapist section that he or

she is enrolled or will be enrolled in an institute for marriage and family therapy that is approved by the commission on accreditation for marriage and family therapy education of the American Association for Marriage and Family Therapy or by the marriage and family therapist section, or holds a graduate degree in a mental health field approved by the marriage and family therapist section and is enrolled or will be enrolled in a master's or doctoral degree program in marriage and family therapy accredited by the commission on accreditation for marriage and family therapy education or by the marriage and family therapist section.

(d) Submits evidence satisfactory to the marriage and family therapist section that he or she is in a position, or has an offer for a position, as a marriage and family therapist in a supervised marriage and family therapist practice or is in a position, or has an offer for a position, in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a supervised marriage and family therapist practice.

(2) A marriage and family therapist training license is valid for 48 months and may be renewed at the discretion of the marriage and family therapist section. A marriage and family therapist training license authorizes the holder to use any title specified in s. 457.04 (5) and to practice marriage and family therapy within the scope of his or her training or supervision during the period in which the license is valid.

History: 2001 a. 80; 2005 a. 422.

457.12 Professional counselor license. The professional counselor section shall grant a professional counselor license to any individual who does all of the following:

(1) Satisfies the requirements in s. 457.06.

(2) Submits evidence satisfactory to the professional counselor section that he or she has received a master's or doctorate degree in professional counseling or its equivalent from a program approved by the professional counselor section.

(3) Submits evidence satisfactory to the professional counselor section that he or she has done any 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, supervised by one of the following:

1. An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

2. An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling practice.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the professional counselor section.

(b) Received a doctorate degree in professional counseling or its equivalent, and, either during or after the doctorate degree program or its equivalent, engaged in the equivalent of at least 1,000 hours of full-time professional counseling practice supervised by one of the following:

1. An individual licensed as a professional counselor who has received a doctorate degree in professional counseling.

2. An individual licensed as a professional counselor who has engaged in the equivalent of 5 years of full-time professional counseling practice.

3. A psychiatrist or a psychologist licensed under ch. 455.

4. An individual, other than an individual specified in subd. 1., 2., or 3., who is approved by the professional counselor section or satisfies requirements for supervision that are specified in rules promulgated by the examining board upon the advice of the professional counselor section.

(4) Passes an examination approved by the professional counselor section to determine minimum competence to practice professional counseling.

History: 1991 a. 160; 1993 a. 366; 2001 a. 80.

Cross-reference: See also chs. MPSW 12 and 14 and s. MPSW 11.01, Wis. adm. code.

457.13 Professional counselor training license.

(1) The professional counselor section shall grant a professional counselor training license to any individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Satisfies the requirements in s. 457.12 (2).

(d) Submits evidence satisfactory to the professional counselor section that he or she is in a position, or has an offer for a position, as a professional counselor in a supervised clinical professional counseling practice or is in a position, or has an offer for a position, in which the applicant will, in the opinion of the professional counselor section, receive training and supervision equivalent to the training and supervision received in a supervised clinical professional counseling practice.

(2) A professional counselor training license is valid for 48 months and may be renewed at the discretion of the professional counselor section. Notwithstanding s. 457.04 (6), a professional counselor training license authorizes the holder to use any title specified in s. 457.04 (6) and to practice professional counseling within the scope of his or her training or supervision during the period in which the license is valid.

History: 1993 a. 366; 2001 a. 80; 2005 a. 422.

Cross-reference: See also s. MPSW 11.015, Wis. adm. code.

457.14 Temporary certificates and licenses. (1) Upon application and payment of the fee specified in s. 440.05 (6), the appropriate section of the examining board may grant a temporary social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, or professional counselor certificate or license to any individual who does one of the following:

(a) Satisfies the requirements under s. 457.08 (1) (a) and (b) and has submitted an application to take the next available examination for certification under s. 457.08 (1) (c).

(b) Satisfies the requirements under s. 457.08 (2) (a) and (b) and has submitted an application to take the next available examination for certification under s. 457.08 (2) (c).

(c) Satisfies the requirements under s. 457.08 (3) (a) to (c) and has submitted an application to take the next available examination for certification under s. 457.08 (3) (d).

(d) Satisfies the requirements under s. 457.08 (4) (a) to (c) and has submitted an application to take the next available examination for licensure under s. 457.08 (4) (d).

(e) Satisfies the requirements under s. 457.10 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.10 (4).

(f) Satisfies the requirements under s. 457.12 (1) to (3) and has submitted an application to take the next available examination for licensure under s. 457.12 (4).

(2) A temporary certificate or license granted under sub. (1) is valid for a period designated by the appropriate section of the examining board, not to exceed 9 months, and may be renewed once by that section of the examining board.

History: 1991 a. 160; 2001 a. 80; 2005 a. 422.

Cross-reference: See also ss. MPSW 3.11, 11.035, and 17.01, Wis. adm. code.

457.15 Reciprocal certificates and licenses. (1) Upon application and payment of the fee specified in s. 440.05 (2), the social worker section may do all of the following:

(a) Grant a social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social

worker section that tests knowledge of state law relating to social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (1).

(b) Grant an advanced practice social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to advanced practice social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (2).

(c) Grant an independent social worker certificate to any individual who holds a similar certificate in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to independent social work, if the social worker section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.08 (3).

(d) Grant a clinical social worker license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the social worker section that tests knowledge of state law relating to clinical social work, if the social worker section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.08 (4).

(2) Upon application and payment of the fee specified in s. 440.05 (2), the marriage and family therapist section may grant a marriage and family therapist license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the marriage and family therapist section that tests knowledge of state law relating to marriage and family therapy, if the marriage and family therapist section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.10.

(3) Upon application and payment of the fee specified in s. 440.05 (2), the professional counselor section may grant a professional counselor license to any individual who holds a similar certificate or license in another state or territory of the United States and who passes an examination approved by the professional counselor section that tests knowledge of state law relating to professional counseling, if the professional counselor section determines that the requirements for obtaining the certificate or license in the other state or territory are substantially equivalent to the requirements under s. 457.12.

History: 1991 a. 160; 2001 a. 80.

Cross-reference: See also ss. MPSW 3.12, 11.04, and 17.02, Wis. adm. code.

The Examining Board may not require applicants for reciprocal certificates to pass an examination covering state law in the absence of a statutory requirement. Applicants for certificates under reciprocal certification must demonstrate that they obtained their certificates under a state law that was substantially equivalent to Wisconsin's educational, experience, and examination requirements. OAG 4–99.

457.16 Examinations. (1) The appropriate section of the examining board shall arrange for examinations for social worker, advanced practice social worker, independent social worker, clinical social worker, marriage and family therapist, and professional counselor certification and licensure to be conducted at least semi-annually and at times and places determined by that section of the examining board, and shall provide public notice of each examination at least 90 days before the date of the examination.

(2) Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, as appropriate.

(3) An individual is not eligible for examination unless he or she satisfies the requirements for certification or licensure under s. 457.08 (1) (a), (2) (intro.) and (a), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1) and (2), or 457.12 (1) and (2) and, at least 30 days before the date of the examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).

History: 1991 a. 160; 2001 a. 80.

Cross-reference: See also chs. MPSW 5 and 18 and s. MPSW 11.02, Wis. adm. code.

457.20 Issuance of certificate; expiration and renewal.

(1) The department shall issue a certificate of certification or licensure to each individual who is certified or licensed under this chapter.

(2) The renewal dates for certificates and licenses granted under this chapter, other than training certificates and licenses or temporary certificates or licenses, are specified under s. 440.08 (2) (a).

(3) Renewal applications shall be submitted to the department on a form provided by the department and shall be accompanied by all of the following:

(a) The renewal fee determined by the department under s. 440.03 (9) (a).

(b) Proof of completion of continuing education requirements in s. 457.22.

(c) If the application is for renewal of a professional counselor license that was originally granted as a professional counselor certificate under 1991 Wisconsin Act 160, section 21 (2) (g), evidence satisfactory to the professional counselor section that the applicant continues to be employed by a federal, state, or local governmental agency as a professional counselor, professional rehabilitation counselor, vocational rehabilitation counselor, or rehabilitation counselor.

(4) Renewal of an advanced practice social worker, independent social worker, or clinical social worker certificate or license automatically renews the individual's social worker certificate without payment of the renewal fee for the social worker certificate or completion of the continuing education requirements that would otherwise be required for renewal of a social worker certificate.

History: 1991 a. 160; 1993 a. 366; 2001 a. 80; 2005 a. 422; 2007 a. 20.

457.22 Continuing education. (1) The examining board may do any of the following:

(a) Upon the advice of the social worker section, promulgate rules establishing requirements and procedures for social workers, advanced practice social workers, independent social workers, and clinical social workers to complete continuing education programs or courses of study in order to qualify for renewal.

(b) Upon the advice of the marriage and family therapist section, promulgate rules establishing requirements and procedures for marriage and family therapists to complete continuing education programs or courses of study in order to qualify for renewal.

(c) Upon the advice of the professional counselor section, promulgate rules establishing requirements and procedures for professional counselors to complete continuing education programs or courses of study in order to qualify for renewal.

(2) The rules promulgated under sub. (1) may not require an individual to complete more than 30 hours of continuing education programs or courses of study in order to qualify for renewal. The appropriate section of the examining board may waive all or part of the requirements established in rules promulgated under this section if it determines that prolonged illness, disability, or other exceptional circumstances have prevented the individual from completing the requirements.

History: 1991 a. 160; 2001 a. 80.

Cross-reference: See also ch. MPSW 19, Wis. adm. code.

457.24 Professional liability insurance. (1) Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor under this chapter may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance. The examining board shall promulgate rules establishing the minimum amount of insurance required under this subsection.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

History: 2001 a. 80.

457.25 Reporting requirements. (1) Any public or private mental health or health care agency, institution or facility, or any other person or entity that employs or contracts for services with a credential holder, that terminates, suspends, or restricts the employment or contract of the credential holder as a result of adverse or disciplinary action against the credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her employment before the action is taken, within 30 days after the date on which the credential holder terminates his or her employment.

(2) Any state or local professional society or organization of social workers, marriage and family therapists, or professional counselors that terminates, revokes, or suspends the membership of a credential holder, or takes any other adverse or disciplinary action against a credential holder relating to his or her practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling, shall submit a written report of the action to the appropriate section of the examining board within 30 days after the date on which the action is taken or, if grounds for such an action exist and the credential holder terminates his or her membership before the action is taken, within 30 days after the date on which the credential holder terminates his or her membership.

(3) Any insurer, as defined in s. 600.03 (27), who provides professional liability insurance coverage for a credential holder and who pays a claim for damages arising out of the rendering of services by the credential holder or obtains any information that tends to substantiate a charge that the credential holder has engaged in conduct that constitutes grounds for discipline under s. 457.26 shall submit a written report of the payment or information to the appropriate section of the examining board within 30 days after the date on which the payment is made or information is obtained.

(4) Any circuit court that appoints a guardian of the person or estate of a credential holder or makes a judgment or other determination that a credential holder is mentally ill or mentally incom-

petent or that a credential holder has done any of the acts enumerated in s. 457.26 (2) shall submit a written report of the appointment, judgment, or determination to the appropriate section of the examining board within 30 days after the date on which the appointment, judgment, or determination is made.

History: 1991 a. 160; 2001 a. 80; 2011 a. 146.

457.26 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may reprimand a credential holder or deny, limit, suspend, or revoke a credential under this chapter if it finds that the applicant or credential holder has done any of the following:

(a) Made a material misstatement in an application for a credential or for renewal of a credential.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling.

(c) Advertised in a manner that is false, deceptive or misleading.

(d) Advertised, practiced or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling while his or her ability to practice was impaired by alcohol or other drugs.

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 457.03 (2).

(g) Performed social work, advanced practice social work, or independent social work services in violation of the rules promulgated under s. 457.03 (2) or otherwise engaged in conduct while practicing social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling which evidences a lack of knowledge or ability to apply professional principles or skills.

(gm) Violated the requirements of s. 253.10 (3) (c) 2., 3., 4., 5., 6, or 7.

(h) Violated this chapter or any rule promulgated under this chapter.

History: 1991 a. 160; 1995 a. 309; 2001 a. 80; s. 35.17 correction in (2) (intro.).

457.28 Injunctive relief. If the appropriate section of the examining board has reason to believe that any person is violating s. 457.04, the appropriate section of the examining board, the examining board, the department, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

History: 1991 a. 160.