

## CHAPTER 457

## EXAMINING BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

457.01	Definitions	457.14	Temporary certificates
457.02	Applicability	457.15	Reciprocal certificates
457.03	Duties and powers of examining board and sections	457.16	Examinations
457.04	Prohibited practices	457.20	Issuance of certificate; expiration and renewal
457.06	General requirements for certification	457.22	Continuing education
457.08	Social worker certificate and advanced practice certificates	457.25	Reporting requirements
457.10	Marriage and family therapist certificate	457.26	Disciplinary proceedings and actions
457.12	Professional counselor certificate	457.28	Injunctive relief
457.13	Professional counselor training certificate	457.30	Penalties

Cross-reference: See definitions in s. 440.01.

#### 457.01 Definitions. In this chapter:

(1) "Certificate holder" means an individual who is certified under this chapter.

(2) "Examining board" means the examining board of social workers, marriage and family therapists and professional counselors.

(3) "Marriage and family therapist" means an individual who practices marriage and family therapy.

(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 practices professional counseling.

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

(8m) "Psychotherapy" has the meaning given in s. 455.01 (6).

(9) "Social work" means applying psychosocial, psychotherapeutic or counseling principles, methods or procedures in the assessment, evaluation, psychosocial or psychotherapeutic diagnosis, prevention, treatment or resolution of a social, psychological, personal, emotional or mental disorder 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 practices social work.

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

History: 1991 a. 160

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

(1) Require any individual to be certified under this chapter in order to use the title "pastoral counselor", "investment counselor", "vocational counselor", "career counselor", "alcohol and drug counselor" or "chemical dependency counselor".

(2) Require any individual who is licensed as a school social worker or school counselor by the department of public instruction to be certified as a social worker or professional counselor 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, as defined in s. 146.34 (1) (h), to be certified as a marriage and family therapist or professional counselor 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 as a social worker or professional counselor 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 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 of health and social services.

History: 1991 a. 160

**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 under this chapter and for supervised clinical training that must be completed for certification as an independent 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 professional conduct of certificate holders. The rules shall specify the services included within the practice of social work that an individual who is certified under this chapter as a social worker, advanced practice social worker, independent social worker or

independent clinical social worker is qualified to perform and the degree of supervision, if any, required to perform those services. The rules may not permit a certificate holder to engage in psychotherapy unless the individual is certified under this chapter as an advanced practice social worker, independent social worker, independent clinical social worker, marriage and family therapist or professional counselor and has engaged in the equivalent of at least 2 years of full-time supervised social work, marriage and family therapy or professional counseling clinical practice after receiving the master's or doctorate degree required under s. 457.08 (3) (b) or (4) (b), 457.10 (2) or 457.12 (2).

(3) Upon the advice of the social worker section, promulgate rules establishing levels of advanced social work practice, in addition to the levels of practice for which certificates are granted under s. 457.08 (2) to (4), 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.

**457.04 Prohibited practices.** Except as provided in s. 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, independent social worker or independent clinical social worker under this chapter.

(3) Use the title "independent social worker" unless the person is certified as an independent social worker or independent clinical social worker under this chapter.

(4) Use the title "independent clinical social worker" or "clinical social worker" unless the person is certified as an independent clinical social worker under this chapter.

(5) Use the title "marriage and family therapist", "marriage and family counselor" or any similar title unless any of the following applies:

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

(b) The person is certified as an independent clinical social worker under this chapter and initially became certified as an independent clinical social worker under this chapter on or before May 31, 1995.

(6) Use the title "professional counselor", "professional rehabilitation counselor", "vocational rehabilitation counselor" or "rehabilitation counselor" or any similar title unless the person is certified as a professional counselor under this chapter.

History: 1991 a 160.

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

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

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

History: 1991 a 160.

**457.08 Social worker certificate and advanced practice certificates.** (1) **SOCIAL WORKER CERTIFICATE.** The social worker section shall grant a social worker certificate 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.

(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) **INDEPENDENT CLINICAL SOCIAL WORKER CERTIFICATE.** The social worker section shall grant an independent clinical 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 and, as part of the master's or doctorate degree program, had a clinical social work concentration and completed 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 2 years of full-time supervised clinical social work practice approved by the social worker section.

(d) Passes an examination approved by the social worker section to determine minimum competence to practice as an independent clinical social worker as specified in the rules promulgated under s. 457.03 (2) or passes an advanced clinical social work examination approved by the social worker section.

History: 1991 a 160.

**457.10 Marriage and family therapist certificate.** The marriage and family therapist section shall grant a marriage and family therapist certificate 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 2 years of full-time supervised clinical marriage and family therapy practice approved by 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.

**457.12 Professional counselor certificate.** The professional counselor section shall grant a professional counselor certificate 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 2 years of full-time supervised clinical professional counseling practice approved by the professional counselor section.

(b) After receiving a doctorate degree in professional counseling or its equivalent, engaged in the equivalent of at least one year of full-time supervised clinical professional counseling practice approved by 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.

**457.13 Professional counselor training certificate.**

(1) The professional counselor section shall grant a professional counselor 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) Satisfies the requirements in s. 457.12 (2).

(d) Submits evidence satisfactory to the professional counselor section that he or she is employed full-time, or has an offer of full-time employment, as a professional counselor in a supervised clinical professional counseling practice or in 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 full-time supervised clinical professional counseling practice.

(2) A professional counselor training certificate is valid for 24 months or until the date on which the holder of the certificate ceases to be employed in a position specified in sub. (1) (d), whichever occurs first, and may not be renewed by the professional counselor section. A professional counselor training certificate authorizes the holder to use any title specified in s. 457.04 (6) during the period in which the certificate is valid.

History: 1993 a 366.

**457.14 Temporary certificates.** 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, marriage and family therapist or professional counselor certificate to any individual who satisfies the requirements under s. 457.08 (1) (a) and (b), 457.10 (1) to (3) or 457.12 (1) to (3) and has submitted an application to take the next available examination for certification under s. 457.08 (1) (c), 457.10 (4) or 457.12 (4). A temporary certificate granted under this section 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.

**457.15 Reciprocal certificates.** (1) Upon application and payment of the fee specified in s. 440.05 (2), the social worker section shall 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 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 is certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate in another state or territory of the United States 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 is certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate in another state or territory of the United States 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 an independent clinical social worker certificate to any individual who is certified under par. (a) or under s. 457.08 (1) and who holds a similar certificate in another state or territory of the United States 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 (4).

(2) Upon application and payment of the fee specified in s. 440.05 (2), the marriage and family therapist section shall grant a marriage and family therapist certificate to any individual who holds a similar certificate in another state or territory of the United States if the marriage and family therapist section determines that the requirements for obtaining the certificate 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 shall grant a professional counselor certificate to any individual who holds a similar certificate in another state or territory of the United States if the professional counselor section determines that the requirements for obtaining the certificate in the other state or territory are substantially equivalent to the requirements under s. 457.12.

History: 1991 a 160.

**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, independent clinical social worker, marriage and family therapist and professional counselor certification 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, 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 under s. 457.08 (1) (a) and (b), (2) (intro.), (a) and (b), (3) (intro.) and (a) to (c) or (4) (intro.) and (a) to (c), 457.10 (1) to (3) or 457.12 (1) to (3) 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.

**457.20 Issuance of certificate; expiration and renewal.** (1) The department shall issue a certificate of certification to each individual who is certified under this chapter.

(2) The renewal dates for certificates granted under this chapter, other than certificates granted under ss. 457.13 and 457.14, 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 specified in s. 440.08 (2) (a).

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

(c) If the application is for renewal of a professional counselor certificate that was granted 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 independent clinical social worker certificate 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.

**457.22 Continuing education.** The examining board may promulgate rules establishing requirements and procedures for certificate holders to complete continuing education programs or courses of study in order to qualify for renewal. The rules 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.

**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 certificate holder, that terminates, suspends or restricts the employment or contract of the certificate holder as a result of adverse or disciplinary action against the certificate holder relating to his or her practice of 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 certificate holder terminates his or her employment before the action is taken, within 30 days after the date on which the certificate 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 certificate holder, or takes any other adverse or disciplinary action against a certificate holder relating to his or her practice of 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 certificate holder terminates his or her membership before the action is taken, within 30 days after the date on which the certificate holder terminates his or her membership.

(3) Any insurer, as defined in s. 600.03 (27), who provides professional liability insurance coverage for a certificate holder and who pays a claim for damages arising out of the rendering of services by the certificate holder or obtains any information that tends to substantiate a charge that the certificate 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 certificate holder or makes a judgment or other determination that a certificate holder is mentally ill or mentally incompetent or that a certificate 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.

(5) (a) Within 30 days after receipt of a report under sub. (1), (2), (3) or (4), the appropriate section of the examining board shall notify the certificate holder, in writing, of the substance of the report. The certificate holder and the certificate holder's authorized representative may examine the report and may place into the record a statement, of reasonable length, of the certificate holder's view of the correctness or relevance of any information in the report. The certificate holder may institute an action in circuit court to amend or expunge any part of the certificate holder's record related to the report.

(b) If the appropriate section of the examining board determines that a report submitted under sub. (1), (2), (3) or (4) is without merit or that the certificate holder has sufficiently improved his or her conduct, that section of the examining board shall remove the report from the certificate holder's record. If no report about a certificate holder is filed under sub. (1), (2), (3) or (4) for 2 consecutive years, the certificate holder may petition the appropriate section of the examining board to remove any prior reports, which did not result in disciplinary action, from his or her record.

History: 1991 a 160.

**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 certificate holder or deny, limit, suspend or revoke a certificate under this chapter if it finds that the applicant or certificate holder has done any of the following:

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

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

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

History: 1991 a. 160.

**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.

**457.30 Penalties. (1)** Any person who violates this chapter or any rule promulgated under this chapter may be required to forfeit not more than \$5,000 for the first offense and may be required to forfeit not more than \$10,000 for the 2nd or any later offense within a year. Each day of continued violation constitutes a separate offense. The period shall be measured by using the dates of the offenses that resulted in convictions.

**(2)** Any person who wilfully violates this chapter or any rule promulgated under this chapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 1991 a. 160.