

Senator Judith Robson  
2411 E. Ridge Rd.  
Beloit, WI 53511

There seems to be very little interest by Human Services to address the following concerns and I am hoping that if enough people are made aware of it, some positive changes will be made. I'm making little or no progress on my own. The following, is a copy of the grievance I sent to John McMahon. I would be glad to discuss any questions with you.

John McMahon  
Director  
Washburn County Human Services  
110 4th Ave.- P.O. Box 250  
Shell Lake, WI 54871  
(715)468-4747

3/31/02

My son was placed by Washburn County into psychological therapy at Eau Claire Academy. This included teachings of a therapist that were in disagreement with my son's personal and/or religious beliefs. He was also expected to progress through the therapist's version of a 12-step program which required him to present these and other beliefs in a manner that would demonstrate not only an understanding of them, but also a personal belief and agreement of them. This put him in an impossible situation- he could either hold to his personal and religious conscience or submit to the teachings of the therapist. The therapist, Jack Minton, and social worker, Donovan Schumacher, were both informed of this situation at the first staff meeting at the Academy, and we were told by the therapist that the program could not be changed for just one individual.

It was my understanding that a person's personal beliefs and conscience are protected by law in the First Amendment to the US Constitution and that governments under that constitution are not to impose, restrict, or otherwise interfere with those personal or religious beliefs or conscience.

These issues were repeatedly raised by me to Donovan and were consistently met with intimidating and hostile responses suggesting that I didn't understand how serious my son's offense was, that he may request that I be required to get psychological treatment, that with my thinking, my son may not be allowed to return to our home, that my son's physical out-of-home placement could be extended for a year or more, or if he were returned to the home, that I would be expected to teach those same beliefs to my son(I told him I could not do that)- all in light of the fact that these beliefs were being forced on my son against his and our personal and religious beliefs and conscience.

I had suggested to Donovan that he meet with my son personally in the absence of the therapist(so he might get a first-hand account of what he was going through) but to my knowledge, that didn't happen until 4-5 months after the therapy started, and under that situation, it would have been difficult to say much. Donovan seemed to have very little knowledge or interest in how he was being treated. The most consideration that I can remember getting from Donovan was when he answered one of my concerns with "I hope not". The rest of the time, I was being "uncooperative" if I objected to my son's treatment.

By 4 or 5 months, my son was showing what I thought to be signs of intense psychological abuse and I met with my pastor about this issue because I was afraid he was in real danger of "snapping" psychologically. His lack of "progress" in therapy was being regarded as deviancy and Jack and Donovan were obviously having a difficult time separating the two. During this same time, his behavior was at a much higher level than what the therapist appeared to be comfortable with and I believe the reason they changed the behavior levels system was because my son's was uncomfortably high for them. During visits with him, he mentioned how he would secretly vent his rage at the abuse when alone. He has since expressed bitterness at the fear of saying things that Jack didn't agree with while at the academy.

After the Administrative Review Board presented its report,(The review board seemed to understand much better the

difference between teaching beliefs and forcing beliefs), the treatment of my son and myself changed dramatically. It seemed like Jack and Donovan were now trying to appease us- although the forced therapy continued.

Since then, I found that the Wisconsin Constitution (article 1, section 18) states: "The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or maintain any ministry, without consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishment or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries"(underlining added).

The Dec. 1, 1992 American Psychological Association Ethical Principles of Psychologists and Code of Conduct 1.09 states: "...Psychologists respect the rights of others to hold values, attitudes, and opinions that differ from their own".

4.02a states: "psychologists obtain appropriate informed consent to therapy or related procedures, using language that is reasonably understandable to participants. The content of informed consent will vary depending on many circumstances: however, informed consent generally implies that the person (1) has the capacity to consent,(2) has been informed of significant information concerning the procedure,(3) has freely and without undue influence expressed consent, and(4) consent has been appropriately documented.

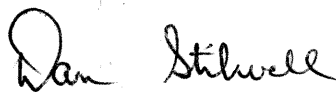
We consistently and continually opposed the therapy when we were informed of the content.

I am of the understanding that the therapy, in which my son was required by the Department of Human Services to participate, was unlawful, unethical, and psychologically abusive and that it continued in spite of numerous attempts to convince Donovan of the seriousness of the situation. We were not opposing my son getting counselling, but this type of "therapy", that violates one's conscience, is by definition psychologically abusive, and that's why the laws and codes of ethics were written- for those who otherwise don't know.

The confidentiality policies pertaining to juveniles seem to do less towards protecting the juvenile, and more in keeping abuses difficult or impossible to discover or address. Having the Human Services Agency investigate itself also seems a bit impotent. The Administrative Review Board was the only independent oversight committee and, after we were allowed to present some of our concerns to them, there were dramatic changes- and as far as I know, they only had to present their report to effect the changes.

There are also concerns with what I believe has been the unlawful and careless release of confidential records from the Eau Claire Academy and their discharge summary that contains several misrepresentations and mischaracterizations of the facts- and quite different from the reports they sent to us, but I understand this may not be your department.

Writing these grievances will do me no good personally except for the hope that something might change to bring more insight, accountability, and a closer adherence to laws and ethics to protect others in the future.



Dan Stilwell  
N5281 Conroy Dr  
Spooner, WI 54801  
(715)635-9301

To: Members of the Senate Committee on Human Services and Aging  
From: Justin Sargent, committee clerk for Senator Robson  
Date: August 21, 2002  
Re: Administrative Rule Referred to the Committee

An administrative rule was referred to the committee for review. If you would like a hard copy of this rule, please let me know. I can be reached at 6-2253 or by email.

Please also contact me if you would like the committee to hold a hearing on this rule.

The committee has jurisdiction over this rule until September 20, 2002.

***CR 02-105***

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board is submitting CR 02-105, relating to involving practitioners of psychotherapy.

This proposed rule-making order implements the statutory changes made as a result of 2001 Wisconsin Act 80, relating to the Examination Board of Social Workers, Marriage and Family Therapists and Professional Counselors. Topics include licensure, credentials, continuing education requirements, standards, and practice and supervision of psychotherapists.



1233 N. Mayfair Road, Suite 207  
Wauwatosa, WI 53226-3255  
1-800-240-7729 • (414) 774-7729 • FAX (414) 774-8202

**CERTIFICATION BOARD**

Jeff Pearcy, MPA, Executive Director

September 4, 2002

Senator Judy Robson  
PO Box 7882  
Madison, WI 53707

Dear Senator Robson:

I am the Executive Director of the Wisconsin Certification Board. We are the organization that has provided public protection through the certification of alcohol and drug abuse counselors in Wisconsin for the past twenty-seven years. We are identified in HFS 75 and most recently in Act 80 and the administrative rules CR 02-105. We are requesting a hearing on these rules that have recently been referred back to your committee.

Our sole issue with Act 80 has been that there is a separate and distinct body of knowledge and skills that are necessary to address addiction issues. The language in the Act assures that current standards will not be lessened with the adoption of a practice act. The sections that promulgated the rules continued to affirm the requirements that have been in use by the Wisconsin Certification Board for twenty-seven years. To that extent we are supportive of the rules as written.

The WCB also agrees with the position of the Department of Regulation and Licensing that duplicating our process within the department is redundant and wasteful. The WCB has the capacity and ability to provide this AODA certification to licensees who are providing AODA services under Act 80. We can perform this service at no additional cost to the State beyond our certification fee borne by the licensee. We have already set in motion the process to index recertification fees to the number of people holding our certification to assure that this cost is not an onerous user fee.

This morning I was informed that the combined boards met and have amended their process to basically make the AODA portion of the rule self-policing. They are proposing that people practicing AODA as a specialty should meet our requirements or those they outline, but they have removed the process for determining if people meet those requirements. This was apparently done in an effort to mollify the concerns of the Department regarding the department's ability to implement this section of the rule. If there is no process in place to ascertain whether people have met the requirement, then in fact, there is no requirement. If they cannot enforce the requirement then the sections should acknowledge that fact and simply allow the WCB to certify those individuals who meet the requirements outlined in the law. The sections have abrogated their responsibility for public protection in this section of the rule. If the profession was

capable of self policing and an honor system, then no licensure was ever needed for public protection.

With this new development the WCB is placed in a more adversarial position than we ever desired to be. Public protection for people seeking AODA services is at risk and we are requesting a hearing to remove the section of the rules *SFC 1.09 (2) (a), (b), and (c)*. These paragraphs identify a DRL process for practicing AODA as a specialty that is redundant to the WCB's process and lacks a process for enforcement.

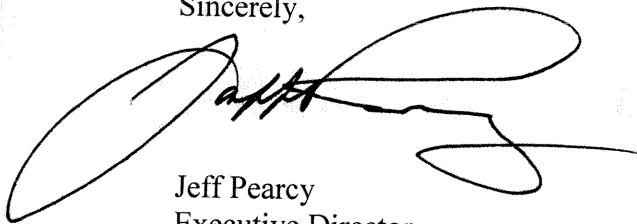
To be clear, we are proposing that the rule should read:

*SFC 1.09 Alcohol and drug counseling*

- (1) 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 of health and family services.
- (2) A person credentialed by the board may treat alcohol or substance dependency or abuse as a specialty only if he or she is qualified to do so by education training and experience. Qualification to treat alcohol or substance dependency or abuse as a specialty may be demonstrated by certification as a substance abuse counselor under HFS 75.02 (84), Wis. Adm Code.

This change meets the letter of Act 80. It is enforceable, protects the public, and requires no additional funding from the State. Please let me know when the hearing will be held on this issue so that I may attend to answer any questions you or your committee may have regarding the WCB and its capacity to provide this service.

Sincerely,



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Executive Director

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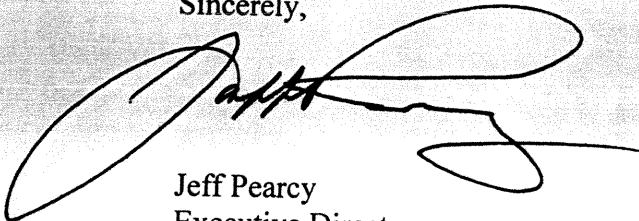
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Sincerely,



Jeff Percy  
Executive Director

---

**From:** Lonergan, Sandra  
**Sent:** Wednesday, September 18, 2002 10:56 AM  
**To:** Becher, Scott; Bruce, Cory; Burri, Lance; Buschman, Sara; Callisen, Christine; Coe, Dagny; Dake, Brian; Janssen, Andy; Karius, Bob; Kelly, Judy; Krawczyk, Judy; Krieser, Steve; Kuhn, Jamie; Lee, Cari; Loehex, Rex; Lonergan, Sandra; Loomans, Scott; Lowriex, Gerald; Machtan, Ken; Olsen, Luther; Osterberg, Sarah; Pendleton, Julie; Plona, Katie; Pluta, Mary; Potts, Andrew; Rasmussen, Debra; Rep.Carpenter; Rep.Colon; Rep.Johnsrud; Rep.LaFave; Rep.Lasee; Rep.Lippert; Rep.Miller; Rep.Schooff; Rep.Seratti; Rep.Shilling; Rep.Urban; Rep.Wasserman; Rep.Wieckert; Schooff, Dan; Stigler, Ken; Sweet, Richard; Underheim, Gregg; Walter, Karla; Wischnewski, Marnie  
**Cc:** Sargent, Justin  
**Subject:** notification of a Health Committee hearing & possible exec session  
**Importance:** High

Good morning,

I wish I didn't have to notify you of this but Gregg is going to convene the Committee for a **public hearing & possible executive session on October 8th at 1:00pm in room 225 NW** regarding CR 02-105 (psychotherapy rule). Specifically, the part of the rule that deals with AODA certification.

You may be aware that the current form of the rule contains a \$64,000 fiscal estimate from the Department of Regulation & Licensing for the purpose of implementation of an AODA certification process as required in Act 80. Since the rule does not contain an increase in licensure fee to offset the costs of a new AODA certification process, DR & L must absorb those costs. Given the current fiscal environment, the Department does not believe they can absorb those costs at this time. Therefore, the Department has requested from the Board a germane modification to the rule regarding this specific issue. After several conversations with Board staff, it seems likely that the Board will submit a germane modification to the rule to modify the language responsible for the fiscal estimate.

Based on the verbal description of the proposed language from the Board, the AODA certification process would not be required in the same way for individuals falling under the jurisdiction of this Board as compared to individuals seeking AODA certification through HFS 75.02 (84). This inconsistency would create compliance problems with the Bureau of Quality Assurance in DHFS for individuals who are not properly certified under HFS 75.02 (84).

As more information becomes available, I will pass it along. Any help that you would like to provide to bring this issue to resolution prior to October 8th is greatly appreciated. Please let me know if you have any questions or if you would like to speak with Gregg directly about this issue.

Thank you for your patience.  
Sandy

**Sargent, Justin**

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**To:** Becher, Scott; Bruce, Cory; Burri, Lance; Buschman, Sara; Callsen, Christine; Coe, Dagny; Dake, Brian; Janssen, Andy; Karius, Bob; Kelly, Judy; Krawczyk, Judy; Krieser, Steve; Kuhn, Jamie; Lee, Cari; Loehex, Rex; Lonergan, Sandra; Loomans, Scott; Lowriex, Gerald; Machtan, Ken; Olsen, Luther; Osterberg, Sarah; Pendleton, Julie; Plona, Katie; Pluta, Mary; Potts, Andrew; Rasmussen, Debra; Rep.Carpenter; Rep.Colon; Rep.Johnsrud; Rep.LaFave; Rep.Lasee; Rep.Lippert; Rep.Miller; Rep.Schooff; Rep.Seratti; Rep.Shilling; Rep.Urban; Rep.Wasserman; Rep.Wieckert; Schooff, Dan; Stigler, Ken; Sweet, Richard; Underheim, Gregg; Walter, Karla; Wischnewski, Marne  
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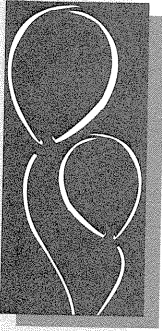
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Thank you for your patience.

Sandy



# Family Services

Caring, Committed, Competent.

September 19, 2002

Senator Judith Robson, Chair  
Senate Human Services and Aging Committee  
Email: [sen.robson@legis.state.wi.us](mailto:sen.robson@legis.state.wi.us)

Dear Senator Robson:

Family Services of Northeast Wisconsin, Inc. in Green Bay is requesting that you support the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board of the Department of Regulation and Licensing's position. Their position indicates that individuals practicing AODA as a specialty do *not* have to be certified through the Wisconsin Certification Board process if they have satisfied the educational and supervised training requirements established in the August 13<sup>th</sup> draft of the rules. We further support that the affidavit requirement outlined in SFC 1.09 (4) be removed.

Requiring additional certification and review of individuals in clinics that *are already certified* through the Department of Health and Family Services imposes unnecessary review and cost for practitioners (and ultimately customers) in these clinics. These clinics already have regular reviews in place to verify that their practitioners meet treatment standards and Wisconsin Law.

Thank you for your support.

Sincerely,

Thomas E. Martin  
President/CEO  
Family Services of Northeast Wisconsin, Inc.

TEM/bv



State of Wisconsin  
**Department of Health and Family Services**

---

Scott McCallum, Governor  
Phyllis J. Dubé, Secretary

September 19, 2002

The Honorable Gregg Underheim  
Wisconsin Assembly  
Room 11 North, State Capitol  
P.O. Box 8953  
Madison, WI 53708

The Honorable Judy Robson  
Wisconsin Senate  
Room 15 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Representative Underheim and Senator Robson:

I am writing to express Department of Health and Family Services concerns regarding draft Administrative Rule SFC 1.09 that resulted from 2001 Wisconsin Act 80, Section 35, 457.02 (5m). Our concern is that the draft rule does not include a review process that would document the specific body of knowledge and competency necessary for treating persons addicted to alcohol and other substances. This would mean that, under the current language in the draft rule, the credentials of social workers providing addiction treatment would not be validated.

Draft SFC 1.09 outlines proposed requirements that would allow a person to demonstrate his/her competency to treat alcohol and substance abuse clients either as defined in HFS 75.02 (84) and HFS 75.03 (4)(d) or by demonstrating competency through specific steps defined in the draft rule.

As drafted, SFC 1.09 does not require the information be filed with the Examining Board, the Department of Health and Family Services or the Wisconsin Certification Board. The resulting inconsistency with the requirements in HFS 75.02(84) and HFS 75.03(4)(d) would create public protection concerns as well as a serious risk of compromising the implementation of HFS 75.

The Department of Health and Family Services recommends that the SFC 1.09 require documented, demonstrated competency in addiction treatment of all professionals who treat persons addicted to alcohol and other drugs consistent with HFS 75.02(84) and 75.03(4)(d).

Representative Gregg Underheim  
Senator Judy Robson  
September 19, 2002  
Page 2

We believe there are two options to be considered that would ensure public safety and consistency in the provision of services to alcohol and substance abuse clientele. The options are:

1. The Examining Board incorporates the requirements for qualifying as a substance abuse counselor under s. HFS 75.02 (84) and 75.03(4)(d), Wis. Adm. Code. The current protocol requires a "substance abuse counselor" to be certified by a process established by the Wisconsin Certification Board under contract with the Bureau of Substance Abuse Services.

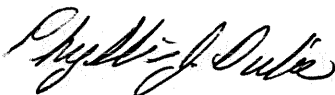
or

2. If SFC 1.09 is promulgated as drafted the Examining Board establishes a process to confirm applicants meet the requirements for "alcohol and drug counselors" or "chemical dependency counselors".

We recognize that if the second option is chosen there would be two review processes required of therapists or counselors wishing to provide alcohol and substance abuse services. However, if the Examining Board is unwilling to accept the process outlined in HFS 75 they must ensure public safety by establishing a process to confirm the expertise of those therapists or counselors wishing to provide alcohol and substance abuse services.

We appreciate your consideration of our perspectives on this important issue.

Sincerely



Phyllis J. Dubé  
Secretary

cc: Oscar Herrera, Secretary, Department of Regulation and Licensing  
Sinikka McCabe, DSL Administrator  
Keith Lang, Interim Director Bureau of Substance Abuse Services  
Susan Schroeder, Director, Bureau of Quality Assurance

**Sargent, Justin**

**From:** Flury, Kelley  
**Sent:** Tuesday, September 24, 2002 3:53 PM  
**To:** Sargent, Justin  
**Subject:** FW: Psychotherapy Act Rules

This e-mail was sent to Sen. Robson's inbox last Thursday. Barb Viste, 920-436-4360, ext 1265, called to follow up on it. She said this rule when to Human Services and Aging Committee. She would like to talk to you about this. Please call her. She is with the Family Services of Northeastern Wisconsin in Green Bay.

-----Original Message-----

**From:** Linda Hall [mailto:lhall@wafca.org]  
**Sent:** Thursday, September 19, 2002 1:28 PM  
**To:** Sen.Robson  
**Subject:** Psychotherapy Act Rules

Senator Robson,

The Wisconsin Association of Family and Children's Agencies (WAFCA) represents 55 agencies statewide engaged in mental health and substance abuse treatment with families and children. We would like to urge you to forgo a hearing on the draft rule (CR02-105) to implement the Psychotherapy Licensing Act and allow the rules to proceed as drafted. Some people involved in AODA counseling are concerned about who will be able to practice AODA as a specialty and want a hearing on this issue. We believe that the final rule includes a compromise position on this issue that should be supported.

Under the law, individuals practicing AODA as a specialty must be certified by the Wisconsin Certification Board or have satisfied the educational and supervised training requirements established in rules by the Examining Board. The draft rules do establish educational and training requirements established by the Examining Board (see SFC 1.09 in the attached draft rule) and require practitioners to take the same exam WCB requires under its process. The Board included the examination requirement in response to concerns by WCB and others that a test was necessary. No other specialty area of mental health treatment has such rigorous training standards.

When the Department of Regulation and Licensing (DRL) sent the draft rule to the Legislature, it also sent a letter indicating that it had neither staff or funding to implement these training requirements related to AODA specialty. After DRL's objection, the Examining Board met and decided that if the affidavit requirement outlined in SFC 1.09 (4) was removed that a training standard would be established, yet DRL would have no additional work. This compromise language -- that eliminated work for DRL and provided appropriate flexibility for those engaged in AODA treatment as an aspect of their practice -- was submitted to the Legislature.

It is our understanding that the Wisconsin Certification Board (WCB), now wants to require that all practitioners engaging in AODA as a specialty be certified as AODA counselors under its process which includes much more extensive educational training and supervision requirements along with the examination.

It is important to note that most counseling is provided through clinics that are certified and whose staff's work is reviewed regularly to verify that it meets treatment standards and Wisconsin law. Requiring full AODA certification of individuals in these already certified clinics represents unnecessary review and cost for practitioners in these clinics.

WAFCA believes that the Examining Board's compromise position as reflected in the final draft rule and sent to the Legislature provides an appropriate training and testing standard for professionals practicing AODA as a specialty. The Legislature can accept the rule without modification and be assured that it is still protecting the consumer of psychotherapy services.

Thank you for your consideration of our position. Please let me know if I can be of any assistance to you as you consider how to proceed on this matter.

Linda

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Linda A. Hall  
 Senior Policy Analyst & SWIP Program Coordinator  
 Wisconsin Association of Family and Children's Agencies

09/27/2002



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## Sargent, Justin

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**From:** Kostelic, Jeff  
**Sent:** Monday, October 07, 2002 4:15 PM  
**To:** Sargent, Justin  
**Subject:** Call

Mary Gjeramo called from Family Service in Madison about the rule relating to the credentialing board for psychotherapy. She may be reached at 252-1320 ext 1141

**Sargent, Justin**

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Cornelia Hempe 233-3331

Called to advocate for rules as they have been written and do not believe that they should be changed.

Believes that it is inappropriate for Board to come in and be involved.

Certification Board is a private entity. DHFS has subcontracted with Board. Concerned that an outside body can provide certification oversight.

Likes the rules as they stand.

*Corlky*

## WCIB

- Wants people to go through (NSAW does not like.).

- Examining Board

Department has no problem w/ compliance.

No law says that people have to through WCIB for AODA or go through Examining Board's rules and educational requirements.

## Zadloff:

- Self monitoring is a problem for Quality Assurance
- Sending a memo 2 options to consider.

Mark Herstand

National Association of Social  
Workers 257-6334

Supports \* Would like to  
know of any problems.

MARHerstand@tds.net

WHILE YOU WERE AWAY				
FOR	Justin	DATE	TIME	A.M. P.M.
M	John Schweitzer			
OF	207-52050			PHONED
PHONE	<input type="checkbox"/> FAX <input type="checkbox"/> MOBILE	Reg & Licensing		RETURNED YOUR CALL
MESSAGE	Re: Modifications to social work rules CR02-105	AREA CODE	NUMBER	EXTENSION
				PLEASE CALL
				WILL CALL AGAIN
				CAME TO SEE YOU
				WANTS TO SEE YOU
SIGNED				KF

Tops FORM 4002

Have we received 9-4-02 modification  
3/4 staff in next years budgets

Judy,

Our committee's jurisdiction over this ends tomorrow (9-20-02) unless we take some sort of action. The Assembly Health Committee has announced that they will have a hearing. I've included the hearing notification and reasoning from Representative Underheim, copies of the comments we have received to date.

**CR 02-105 (psychotherapy)**

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board is submitting CR 02-105, relating to involving practitioners of psychotherapy.

This proposed rule-making order implements the statutory changes made as a result of 2001 Wisconsin Act 80, relating to the Examination Board of Social Workers, Marriage and Family Therapists and Professional Counselors. Topics include licensure, credentials, continuing education requirements, standards, and practice and supervision of psychotherapists.

**Contacts In Favor:**

"Corky" Cornelia Hempe - *Called*  
Marc Herstand, National Association of Social Workers - *Called*

**Contacts Opposed:**

DHFS - Concerns about validation and reporting of demonstrated competency. - *lette*

Wisconsin Certification Board, wrote to request hearing. - *lette*  
WCB has concerns about the AODA certification process and compliance.

**Notes & Analysis:**

Reg and Licensing Department has no problems with the rules. WCB is being territorial and objects to the examining board allowing people to not have to go through the WCB. The law allows that people can either go through the WCB or follow the rules (educational requirements) as promulgated by the examining board.

WCB will bring out AODA councilors and their clients to make a big splash at the hearing. It could get ugly as the social workers react in kind. Social workers feel hat WCB is being very unreasonable.

**Recommendation:**

If we want to continue to have some authority over this we need to schedule a hearing. We could send out a hearing notice to get the additional 30 days in hopes that they will iron out the problems. I believe that the intent of the Assembly is to send out a hearing notice to get the additional 30 days for a compromise to be forged. If they have a hearing and request modifications, and if the agency agrees, then the jurisdiction of both committees is extended for 10 days. Both committees would then review the rule as modified by the agency. The key is that the agency must agree to make the modifications. So, our committee could either wait to see what happens with the Assembly committee or schedule a hearing, which would extend the committee's jurisdiction by 30 days to get more time to review the rule or discuss the rule with the Department and keep our authority directly. *I'd like to know how you wish to proceed.*

*I'm ok w/ The Rule - since Dept is OK + Hempe or many are OK w/ it so. We worked on a compromise several times.*