

Clearinghouse Rule 07-048

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

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING AND
PROFESSIONAL COUNSELING AND : SOCIAL WORK EXAMINING BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 07-)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 10.01 (2) and (3); and to repeal and recreate MPSW 11.015, relating to training licenses for professional counselors.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 457.13, Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 457.03, Stats.

Explanation of agency authority:

Section 457.13, Stats., was recently amended by 2005 Wisconsin Act 422. This section previously required a 24 month training certificate, which was non-renewable and also required that the certificate holder be employed full-time or have an offer of full-time employment. The new law changed the requirement for a training certificate to a training license and increased the duration of the license to 48 months, with the possibility for an extension. It also eliminated the requirement for employment and instead requires that an individual have a position on or an offer for a position as a professional counselor.

Related statute or rule:

There are no other related statutes or rules other than those identified above.

Plain language analysis:

Training certificates are required in order to obtain 3000 hours of supervised professional counseling practice before being eligible to receive a professional counselor license. Section MPSW 11.015 sets forth the current requirements for obtaining a training certificate, including a provision that an applicant have an offer of full-time employment. The present certificates are issued for 24 months and are non-renewable. With the enactment of 2005 Wisconsin Act 422, the term “training certificate” is changed to “training license.” Additionally, the employment requirement has been eliminated and the amount of time for the credential expanded. Under the proposed new rule, training licenses will be issued for 48 months, with the possibility for an extension. Supervised hours may also be accumulated in an unpaid position.

SECTION 1 repeals the definitions of “employed full-time” and “offer of full-time employment.”

SECTION 2 requires applicants to submit a signed application and to pay the required fee. Applicants must also submit evidence that they have a position or an offer for a position in a supervised clinical professional counseling practice or its approved equivalent. In addition, the training license is valid for 48 months and may be renewed at the discretion of the professional counselor section.

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

There is no existing or pending federal regulation relating to training licenses for professional counselors.

Comparison with rules in adjacent states:**Illinois:**

Illinois does not appear to require a training certificate; rather, the applicant must have received counseling experience under a licensed professional counselor prior to licensure.

Michigan:

Michigan does not offer a training license; rather, appears to offer limited professional counselor licenses under the supervision of a full licensed professional counselor to get the requisite practice experience.

Minnesota:

Minnesota does not appear to offer a training certificate for professional counseling; rather, as per their statutes, 148B.53 Requirements for licensure, licensed professional counselors must get supervision affidavits after receiving their full licensure.

Iowa:

Iowa does not offer a training certificate/level license for professional counseling.

Summary of factual data and analytical methodologies:

The primary methodology for the development of the proposed changes is based upon the requirements set forth in 2005 Wisconsin Act 422. Previously, licensing law governing the professional counselor training certificate required a full-time position to obtain, the certificate lasted a maximum of 24 months, and was non-renewable. 2005 Wisconsin Act 422 changed the training certificate to a training license, removed the requirement for full-time employment and increased the maximum duration of the license to 48 months with the possibility for an extension.

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

The proposed rules do not increase restrictions or barriers to licensure, affect practice within clinics, or have any provisions related to costs (no additional fees, educational or operational costs are imposed.) The rules primarily eliminates several provisions within the licensing law which applicants and training certificate holders found to be unduly burdensome or difficult to comply with. This proposed rule change should have no negative effect on small business, and in effect may have a positive effect by increasing the availability of qualified training license holders available for employment.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that the proposed rule will have no significant fiscal impact.

Effect on small business:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before August 1, 2007 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 10.01 (2) and (3) are repealed.

SECTION 2. MPSW 11.015 is repealed and recreated to read:

MPSW 11.015 Application for a 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 a completed, signed application form.
- (b) Pays the fee specified in s. 440.05 (6), Stats.
- (c) Satisfies the requirements in s. 457.12 (2), Stats.

(d) Submits evidence satisfactory to the professional counselor section of one of the following:

1. The applicant is in a position or has an offer for a position as a professional counselor in a supervised clinical professional counseling practice.
2. The applicant 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.

(END OF TEXT OF RULE)

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

Dated _____ Agency _____

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

MPSW 11.015 CR07- (Training license-PC) Draft to CH 5-17-07