

**Clearinghouse Rule 10-013**

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

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE :MARRIAGE AND FAMILY THERAPY,  
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING  
PROFESSIONAL COUNSELING AND : AND SOCIAL WORK EXAMINING  
SOCIAL WORK EXAMINING BOARD : BOARD ADOPTING RULES  
: (CLEARINGHOUSE RULE 10- )  
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PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 1.11 (4); to renumber and amend MPSW 1.11 (1) and (2); to amend MPSW 1.11 (3) (intro.), (a) (intro.) and (b), and (5); and to create MPSW 1.11 (1) (a) to (c) , (2) (a) to (f) and (2m), relating to psychometric testing.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

**Statutes interpreted:**

Section 457.033, Stats.

**Statutory authority:**

Sections 15.08 (5) (b), 227.11 (2) and 457.033, Stats.

**Explanation of agency authority:**

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board and the Psychology Examining Board are authorized to 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.

**Related statute or rule:**

There are no other statutes or rules other than those listed above.

**Plain language analysis:**

This proposed rule-making order by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, in collaboration with the Psychology Examining Board, amends s. MPSW 1.11 regarding psychometric testing. Psychometric testing is currently defined and authorized under s. 457.033, Stats., as a measurement tool for assessing psychological characteristics, such as intelligence, aptitude, and emotional disturbance, in which a sample of an examinee's behavior is obtained and evaluated and scored using a standardized process. Two examples of fairly well known psychometric tests are the Minnesota Multiphasic Personality Inventory (MMPI) and the Rorschach Ink Blot test.

Under ch. 457, Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board and the Psychology Examining Board are required to jointly promulgate rules that specify the different levels of psychometric testing that an individual who is certified or licensed under ch. 457, Stats., is qualified to perform. The statute also directs that the resulting administrative rules are to be consistent with guidelines of the American Psychological Association or other nationally recognized guidelines. Both examining boards have collaborated in this rule-making process to develop the proposed rule amendments.

The examining boards found that the existing rules do not adequately delineate between what is considered psychometric testing and instruments used by mental health therapists in initial evaluations or evaluating progress in therapy. In addition, the board found that the existing rule was overly restrictive in determining who may provide training in the use of psychometric tests and the requirements for licensed mental health therapists to obtain permission as to what tests (including in what settings and with which populations) they may use. Accordingly, the amended rules will clarify the following: 1) the definition of psychometric testing; 2) who may use psychometric tests and other testing instruments; and 3) who may supervise individuals that use psychometric tests.

SECTION 1 of the proposed rule amends the definition of psychometric testing with language which clarifies that the testing is a procedure for measuring not only psychological features but for measuring the "behavioral and interpersonal characteristics" of an examinee who is subjected to the testing. SECTION 1 strikes out a portion of the current rule regarding which test instruments do not constitute psychometric testing and restates and reinserts that language into SECTION 2.

SECTION 2 of the proposed rule creates additional language to clarify that psychometric testing does not apply to those test instruments which are solely used to screen for problems, assist in treatment planning, clarify treatment goals, plan intervention or monitor progress in treatment. This additional area of non-applicability is stated in newly created s. MPSW 1.11 (1) (a). SECTION 2 also reinserts the original language from SECTION 1 regarding those test instruments which do not constitute psychometric testing.

SECTION 3 of the proposed rule adds language to clarify the qualification of an individual who is deemed to be an appropriate user of psychometric testing. Specifically,

this section clarifies that the user must have requisite knowledge, skills and abilities, training and experience.

SECTION 4 of the proposed rule creates new language which describes the requisite functions which the appropriate user must be able to perform in order to use psychometric tests.

SECTION 5 of the proposed rule states who may use psychometric testing. This section specifies licensed psychologists, persons acting under the supervision of a licensed psychologist, and licensees of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (licensed marriage and family therapists, licensed professional counselors and licensed clinical social workers) who meet the requirements of current s. MPSW 1.11 (3) (a) and (b) and those licensees acting under their supervision. This latter provision creates a new category of persons who may use psychometric testing provided that they are licensed by the board and supervised by licensees who meet the qualifications in s. MPSW 1.11 (3) (a) and (b).

SECTION 6 of the proposed rule repeals the current restriction in s. MPSW 1.11 (3) to conform to the changes in the proposed s. MPSW 1.11 (2m). The proposed rule further amends the existing rule to require that the training must be from a regionally accredited program. SECTION 6 of the proposed rule amends s. MPSW 1.11 (3) (b) to require compliance with the requirements for use of psychometric tests in the amended provisions of s. MPSW 1.11 (2). This change will insure that the licensee who is deemed qualified to perform testing has the ability to independently select, administer, score and interpret the tests as well as to use the test results in the appropriate cultural context, the examinee's life and the purpose for which it is given. A licensee may engage in psychometric testing only if the appropriate section of the board has received and approved the information demonstrating the licensee's generic and specific qualifications to perform psychometric testing.

SECTION 6 of the proposed rule also changes the method of proof required to verify that a person is qualified to perform psychometric testing by replacing the affidavit requirement with an official declaration from a professional qualified to supervise psychometric testing. The repeal of the current provisions and replacement with the amended language will facilitate the board's ability to make informed decisions based upon full and accurate information provided in a non-overly restrictive format. The affidavit form required under the existing rule has been found to be cumbersome for providers due to the legal requirement that the document be notarized. However, those persons who have been previously qualified based upon submission of an affidavit under the existing rule would not be required to comply with the new requirement of submitting an official declaration; this would in effect be a "grandparenting" provision for those who were previously deemed qualified. The amended language will also clarify what information is required of the professional who is verifying the abilities of the person seeking to perform testing. As result of the rule modifications, it is anticipated that use of an official declaration which contains the required information will facilitate the board's

determination of who is qualified to perform psychometric testing and will better serve the public interests.

SECTION 7 repeals the current restriction that only licensed psychologists may supervise persons performing psychometric testing. This change is consistent with the intent of the rule-making to expand the category of licensees who are qualified to perform psychometric testing.

SECTION 8 amends s. MPSW 1.11 (5) to clarify that the psychometric testing instrument may not be used for assessment purposes except by those who meet the graduate level training requirements and who have the demonstrated ability to perform the testing competently appropriate to the practice setting and area of practice. The proposed language also restricts the use of the testing for screening or referral purposes.

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

There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

**Comparison with rules in adjacent states:**

**Illinois:**

**Marriage and Family Therapy:** There are no statutory limitations on marriage and family therapists for provision of psychometric testing. The only exception being that ethical practice requires marriage and family therapists to limit their practice to the areas in which they are competent.

Under Illinois administrative code governing the practice of marriage and family therapists, s. 1283.100 Professional Conduct:

a) A therapist must not perform, nor pretend to be able to perform, professional services beyond his/her scope of practice...

**Psychology:** State law includes definitions of psychological testing as well as neurophysiological testing as part of the definition of clinical psychology; however appears only to restrict the provision of “clinical psychological services” to licensed psychologists. Clinical psychological services refers to any services listed under the definition of the practice of psychology, and only if the terms “psychological,” “psychologic,” or “psychology” are attached to the service. By extension, psychological testing would be prohibited however, psychometric testing would not.

Under Illinois statutes s. 225 ILCS 15, Clinical Psychologist Practice Act (5) “Clinical psychology” means the independent evaluation, classification and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, the psychological aspects of physical illness. *The practice of clinical psychology includes* psychoeducational

evaluation, therapy, remediation and consultation, *the use of psychological and neuropsychological testing*, assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. “Clinical psychology” does not include the use of hypnosis by unlicensed persons pursuant to Section 3.

(6) A person represents himself to be a “clinical psychologist” within the meaning of this Act when he or she holds himself out to the public by any title or description of services incorporating the words “psychological,” “psychologic,” “psychologist,” “psychology,” or “clinical psychologist” or under such title or description offers to render or renders clinical psychological services as defined in paragraph (7) of this Section to individuals, corporations, or the public for remuneration.

(7) “Clinical psychological services” refers to any services under paragraph (5) of this Section if the words “psychological,” “psychologic,” “psychologist,” “psychology” or “clinical psychologist” are used to describe such services by the person or organization offering to render or rendering them.

**Professional Counselors:** There are no statutory limitations on professional counselors for provision of psychometric testing. The only exception being that ethical practice requires professional counselors to limit their practice to the areas in which they are competent.

Under Illinois administrative code governing professional counselors:

s. 1375.225 Unprofessional Conduct:

“Different tests demand different levels of competence for administration, scoring and interpretation. *Members must have the appropriate education and training for each specific test and recognize the limits of their competence and perform only those functions for which they are prepared.* In particular, members using computer-based test interpretations must be trained in the concept being measured and the specific instrument being used prior to using this type of computer application.”

*(emphasis added)*

#### **Iowa:**

**Psychology:** Testing may be part of the definition of practice of psychology (from IA Stats. s.154B.1 Definitions) “*Practice of psychology*” means... *Application of Principles includes... measuring and testing personality, intelligence, aptitudes, public opinion, attitudes, and skills...*but there is no explicit mention.

The Iowa Psychology Practice/Title restrictions restrict the use of “psychology, psychological” to licensed psychologists, but the restrictions do not appear to restrict psychometric testing. They would clearly restrict the offering of “psychological testing.”

Iowa appears to give broad authority to mental health licensees (identified as marriage and family therapists, counselors and social workers) to act within the bounds of their credential under the scope of practice.

(s. 154 B.4 Acts Prohibited and 154 B.5 Scope of Chapter)

### **Michigan:**

**Psychology:** As per contact with the Michigan Board of Psychology, psychological testing is a part of psychology practice act. In other words, Michigan law limits psychological testing to psychologists.

Furthermore, according to the Board Chair of Michigan, Dane Ver Morris, the State attorney's general's office has advised the LPC Board that psychological testing falls outside the scope of the statutory definition of counseling. Thus, the Board is precluded from proposing administrative rules that would allow test administration.

Under Michigan statute s. 333.18201 Definitions; principles of construction:

(b) "Practice of psychology" means the rendering to individuals, groups, organizations, or the public of services involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior for the purposes of the diagnosis, assessment related to diagnosis, prevention, amelioration, or treatment of mental or emotional disorders, disabilities or behavioral adjustment problems by means of psychotherapy, counseling, behavior modification, hypnosis, biofeedback techniques, *psychological tests*, or other verbal or behavioral means...

(emphasis added)

**Counseling:** Michigan law governing counselors specifically excludes the practice of psychology from that of the practice of counselors; therefore, psychological testing is excluded from counselor practice.

Under Michigan Statute s. 333.18101 Definitions.

(i) Evaluation and appraisal techniques. As used in this subparagraph, "appraisal techniques" means selecting, administering, scoring, and interpreting instruments and procedures designed to assess an individual's aptitudes, interests, attitudes, abilities, achievements, and personal characteristics for development purposes *and not for psychodiagnostic purposes*.

(d) "Practice of counseling" or "counseling" means the rendering to individuals, groups, families, organizations, or the general public a service involving the application of clinical counseling principles, methods, or procedures for the purpose of achieving social, personal, career, and emotional development and with the goal of promoting and enhancing healthy self actualizing and satisfying lifestyles whether the services are

rendered in an educational, business, health, private practice, or human services setting. ***The practice of counseling does not include the practice of psychology*** except for those preventive techniques, counseling techniques, or behavior modification techniques for which the licensed professional counselor or limited licensed counselor has been specifically trained...

*(Emphasis added)*

**Marriage and Family Therapy:** Michigan law restricts access to administration and interpretation of psychologists; does however allow some testing under State statute governing the definition of Marriage and Family Therapy.

333.16901 Definitions; principles of construction.

(c) “Practice of marriage and family therapy” means the providing of guidance, testing, discussions, therapy, instruction, or advice that is intended to avoid, eliminate, relieve, manage, or resolve marital or family conflict or discord, to create, improve, or restore marital or family harmony, or to prepare couples for marriage. ***Practice of marriage and family therapy does not include the administration and interpretation of psychological tests except for those tests that are consistent with the individual’s education and training and with the code of ethics for licensed marriage and family therapists.***

*(Emphasis added)*

**Social Work:** Michigan law governing social work separates social work practice at the baccalaureate level and master’s level, as does Wisconsin. Baccalaureate practice is very restrictive in scope whereas master’s level practice includes clinical mental health treatment (e.g. psychotherapy). While Michigan law does not mention psychological testing for master’s level social work, there is a specific prohibition for such testing at the baccalaureate level.

Under Michigan Statute s. 333.18501 Definitions; scope.

(1) As used in this part:

(b) “Licensed bachelor’s social worker” means an individual licensed under this article to engage in the practice of social work at the bachelor’s level.

(c) “Licensed master’s social worker” means an individual licensed under this article to engage in the practice of social work at the master’s level.

(f) “Practice of social work at the bachelor’s level” means, subject to subsections (2) and (4), all of the following applied within the scope of social work values, ethics, principles, and skills:

(iv) ***The administration of assessment checklists that do not require special training and that do not require interpretation.***

(g) “Practice of social work at the master’s level” means, subject to subsection (5), all of the following applied within the scope of social work values, ethics, principles, and advanced skills:

(i) The advanced application of the knowledge of human development and behavior and social, economic, and cultural institutions.

(ii) The advanced application of macro social work processes and systems to improve the social or health services of communities, groups, or organizations through planned interventions.

(iii) The application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions, and addictions. Treatment methods include the provision of advanced social work case management and casework and individual, couple, family, or group counseling and psychotherapy whether in private practice or other settings.

(4) The practice of social work at the bachelor's level does not include the practice of medicine or the practice of osteopathic medicine and surgery, including, but not limited to, the prescribing of drugs, the administration of electroconvulsive therapy, the practice of psychotherapy, and other advanced clinical skills pursuant to section 18501(g)(iii) ***or the administration or interpretation of psychological tests***, except as otherwise provided in subdivision (f)(iv).

(5) The practice of social work at the master's level does not include the practice of medicine or the practice of osteopathic medicine and surgery, including, but not limited to, the prescribing of drugs or administration of electroconvulsive therapy.

#### **Minnesota:**

**Marriage & Family Therapy:** Psychometric or psychological testing is not mentioned in statutes or administrative rules governing marriage and family therapists. Minnesota's administrative code governing marriage and family therapist's code of conduct states that therapists may not provide services that the therapist is not trained to perform.

#### 5300.0350 CODE OF ETHICS.

##### Subpart. 4.

A. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.

**Professional Counselors:** Psychometric or psychological testing is not mentioned in statutes defining scope of practice, however testing is defined and administration of testing is described under board of behavioral health rules (governing professional counselors – see below). In addition, licensing statutes exclude services that a counselor is not trained to perform as outside the scope of practice.

As per 148B.50 Subdivision (5)(b), stats., Licensing professional counseling does not include activities or services undertaken by persons listed in section 148B.592, ***or the performance of any act that licensed professional counselors are not educated and trained to perform.***

As per s. 2150.7505 DEFINITIONS, Subp. 26. Standardized tests, Admin. Code: "Standardized test" means a test that is administered, recorded, and scored in a uniform

and objective manner, is interpreted by means of normative data, and includes a manual or other published information that fully describes its development, rationale, validity, reliability, and normative data.

As per s. 2150.7565 ASSESSMENTS, TESTS, REPORTS, Subpart 2. Administration and interpretation of tests, Admin. Code: Providers shall use tests as described in items A to E:

- A. Standardized tests shall be used preferentially over nonstandardized tests.
- B. All tests must be administered and responses must be recorded, scored, and interpreted based on practice of scientific foundations.
- C. If a test is used in a nonstandard manner, the limitations of the test and the reasons for its nonstandard use must be clearly stated in the report.
- D. A test's reliability, validity, and normative data must be taken into account in its selection, use, and interpretation.
- E. The reliability and validity of test statements and interpretations in reports are the responsibility of the provider, including when automated testing services are used.

**Psychology:** Psychometric testing may be part of the definition of practice of psychology (from MN Stats. s. 148.89 Definitions Subd. 5.) *“Practice of psychology” means...assessment, including psychological testing and other means of evaluating personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning...*

**Social Work:** Psychometric or psychological testing is not mentioned in statutes defining scope of practice for social work; however testing is broadly mentioned under administrative rules, describing “assessment or diagnosis instruments” (see below). In addition, administrative rules governing conduct prevent social workers from providing services they are not adequately trained to provide.

As per Social Work Admin. Code, s. 8740.0320 PRACTICE REQUIREMENTS. Subp. 2. Assessment or diagnosis instruments. A social worker shall not use an assessment or diagnostic instrument without adequate training. A social worker shall follow standard and accepted procedures for using an assessment or diagnostic instrument. A social worker shall inform a client of the purpose before administering the instrument and shall make the results available to the client.

As per social work admin. Code, s. 8740.315 COMPETENCE. Subp. 2. Limits on practice. A social worker shall limit practice to the permissible scope of practice for the social worker's license and competence.

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

Under ch. 457, Stats., the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board (Joint Board) and the Psychology Examining Board (PEB) are required to jointly promulgate rules that specify the different levels of psychometric testing that an individual who is certified or licensed under ch. 457, Stats.,

is qualified to perform. Existing administrative rules governing psychometric testing further restricts authorization to provide psychometric testing to license holders pursuant to s. MPSW 1.11, Wis. Adm. Code. The statute also directs that the resulting administrative rules are to be consistent with guidelines of the American Psychological Association (APA) or other nationally recognized guidelines. The original rules as drafted were in accordance with APA guidelines and the proposed revisions do not substantially deviate from the underlying educational and experience requirements. In addition, to preserve the statutory requirement for joint promulgation, a small number of board members were appointed from the Joint Board and PEB to work together between scheduled board meetings to work on the proposed rules and the policy changes they entailed. The proposed rule changes drafts were brought before both examining boards for review and approval. Board members “appointed” were Bruce Kuehl, Professional Member of the MFT Section of the Joint Board, George Kamps, Professional Member of the Social Worker Section of the Joint Board and Dr. Bruce Erdmann, Professional Member of the PEB.

Other factual data cited elsewhere includes:

1. Number of License Holders of the Joint Board issued psychometric testing authorization since 2001: 23 (4 clinical social workers and 19 professional counselors. Numbers derived from physical authorization letters on file within the DRL

2. Number of Active License Holders Eligible for Psychometric Testing Authorization: 6,529 (Sept 2009 active license holder counts for license marriage and family therapists, professional counselors and clinical social workers)

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

The proposed changes should not cause substantial negative effect on licensees operating in small business settings in terms of incurring increased operating costs or any additional operational difficulties, nor should the rule cause any appreciable changes to small business in general. The board’s change to the rule affects a small portion of practitioners and clarifies the rule in the following areas: 1) the definition of psychometric testing; 2) who may use psychometric tests and other testing instruments; and 3) who may supervise individuals that use psychometric tests. The proposed rules should have little, if any, appreciable impact on small business as the rule does not increase or decrease the educational or practice requirement to receive approval to conduct psychometric testing. Further, since 2001, the board has issued only 24 such authorizations to a pool of 6,524 eligible license holders (Sept 2009 – active license holder counts of marriage and family therapists, professional counselors and clinical social workers).

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 this rule will require staff time in the Division of Board Services. The total one-time salary and fringe costs are estimated at \$575.

**Effect on small business:**

These proposed rules were reviewed by the department’s Small Business Review Advisory Committee and it was determined that the rules will not have a significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [hector.colon@wisconsin.gov](mailto:hector.colon@wisconsin.gov), or by calling 608-266-8608.

**Agency contact person:**

Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at [pamela.haack@wisconsin.gov](mailto:pamela.haack@wisconsin.gov).

**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 to [pamela.haack@wisconsin.gov](mailto:pamela.haack@wisconsin.gov). Comments must be received on or before April 16, 2010, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. MPSW 1.11 (1) is renumbered MPSW 1.11 (1) (intro.) and is amended to read:

**MPSW 1.11 Psychometric testing.** (1) (intro.) A psychometric test is a ~~measurement~~ procedure for ~~assessing~~ measuring psychological, behavioral, or interpersonal characteristics in which a sample of an examinee’s behavior is obtained and subsequently evaluated and scored using a standardized process. ~~The term Psychometric testing does not apply to unstandardized questionnaires and unstructured behavior~~

~~samples or to teacher or trainer made tests used to evaluate performance in education or training.~~ any of the following:

SECTION 2. MPSW 1.11 (1) (a) to (c) are created to read:

MPSW 1.11 (1) (a) Test instruments that are solely used to screen for problems, to assist in treatment planning, to clarify treatment goals, to plan for interventions, or to monitor progress in treatment.

(b) Unstandardized questionnaires and unstructured behavior samples.

(c) Teacher- or trainer- made tests used to evaluate performance in education or training.

SECTION 3. MPSW 1.11 (2) is renumbered MPSW 1.11 (2) (intro.) and is amended to read:

MPSW 1.11 (2) (intro.) The competent ~~and responsible~~ use of a psychometric test requires ~~a combination of that the user has the requisite~~ knowledge, skills, abilities, training, and experience, ~~and the test results must be viewed within the broader context of a psychological assessment or a psychosocial evaluation.~~ needed to do all of the following:

SECTION 4. MPSW 1.11 (2) (a) to (f) are created to read:

MPSW 1.11 (2) (a) Independently select and administer tests appropriate to the practice setting and area of practice.

(b) Accurately administer, score, and interpret the test.

(c) Understand and communicate the strengths and limitations of the test appropriate to the context in and purpose for which it is given.

(d) Use culturally appropriate and sensitive instruments and norms.

(e) Integrate and view the results within a broad context of information about the examinee's life.

(f) Seek supervision or consultation as needed.

SECTION 5. MPSW 1.11 (2m) is created to read:

MPSW 1.11 (2m) Psychometric testing is restricted to all of the following:

(a) Licensed psychologists.

(b) Persons acting under the supervision of a licensed psychologist.

(c) Licensed marriage and family therapists, licensed professional counselors, or licensed clinical social workers who have met the requirements in sub. (3) (a) and (b).

(d) Licensed marriage and family therapists, licensed professional counselors, or licensed clinical social workers acting under the supervision of someone in par. (c) who has satisfied the requirements in sub. (3) (a) and (b).

SECTION 6. MPSW 1.11 (3) (intro.), (a) (intro.) and (b) are amended to read:

MPSW 1.11 (3) (intro.) ~~Psychometric testing is restricted to psychologists and persons acting under the supervision of a psychologist, and to licensed marriage and family therapists, licensed professional counselors, and licensed clinical social workers.~~ A licensee of the board may engage in psychometric testing only if the appropriate section of the board has received and approved the following information demonstrating generic and specific qualifications to perform psychometric testing:

(a) (intro.) Academic training at the graduate or postgraduate level from a regionally accredited program that covered:

(b) An ~~affidavit~~ official declaration from a professional qualified to supervise psychometric testing that the individual licensee ~~has acquired supervised experience and acquired specific qualifications for the responsible selection, administration, scoring and interpretation of one or more particular psychometric tests, including, if appropriate, use of the test(s) in particular settings or for specific purposes. Particular settings include an employment context, an educational context, a career and vocational counseling context, a health care context, or a forensic context. Specific purposes include classification, description, prediction, intervention planning, tracking, training and supervision~~ meets the requirements to use psychometric tests as defined in sub. (2). Licensees who were determined to be qualified to use psychometric tests by an affidavit are not required to resubmit an official declaration and are deemed to meet the requirements of sub. (2m) (c).

SECTION 7. MPSW 1.11 (4) is repealed.

SECTION 8. MPSW 1.11 (5) is amended to read:

MPSW 1.11 (5) A person credentialed by the board may not use a testing instrument for diagnostic or assessment purposes unless he or she satisfies the requirements in sub. (3) (a) and (b), ~~but may use a test for screening or referral purposes if he or she satisfies sub. (3) (b).~~

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(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 1.11 CR10- (Psychometric testing) Draft to CH 2-3-2010