

STATE OF WISCONSIN  
MARRIAGE & 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 & FAMILY THERAPY  
MARRIAGE & FAMILY THERAPY, : PROFESSIONAL COUNSELING AND  
PROFESSIONAL COUNSELING AND : SOCIAL WORK EXAMINING BOARD  
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES  
: CLEARINGHOUSE RULE 13-118

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PROPOSED ORDER

An order of the Marriage & Family Therapy, Professional Counseling and Social Work Examining Board to repeal MPSW 2.01(14) and 10.01(3m) relating to the definition of psychotherapy.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** § 457.01(8m), Wis. Stats.

**Statutory authority:** § 15.08(5)(b), Wis. Stats.

**Explanation of agency authority:**

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

**Related statute or rule:**

457.01(8m), Wis. Stats. and MPSW 1.02(2m), Wis. Admin. Code

**Plain language analysis:**

The rule repeals two definitions of psychotherapy. MPSW 1.02 (2m) is a definition which applies to all MSPW chapters and is identical to § 457.01(8m) statutory definition.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** The Illinois practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

**Iowa:** The Iowa practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

**Michigan:** The Michigan practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

**Minnesota:** The Minnesota practice acts for marriage and family therapy, professional counseling and social work do not define the word psychotherapy.

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

The Board is repealing two definitions for a word that is already defined by the MPSW code therefore eliminating conflicting definitions.

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

This rule was posted for 14 days for economic impact comments and none were received. This rule repeals 2 definitions which did not match the statutory definition of psychotherapy.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an 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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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TEXT OF RULE  
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SECTION 1. MPSW 2.01(14) is repealed.

SECTION 2. MPSW 10.01(3m) is repealed.

SECTION 3 EFFECTIVE DATE. 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.

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(END OF TEXT OF RULE)  
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This Proposed Order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Member of the Board  
Marriage & Family Therapy,  
Professional Counseling and Social  
Work Examining Board