

Clearinghouse Rule 21-094

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)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board to repeal and recreate MPSW 11.015 (2); relating to professional counselor training license renewals.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 457.03 (1) and 457.13 (2), Stats.

Statutory authority:

Sections 15.08 (5) (b), 457.03 (1), and 457.13 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. provides that each board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains.

Section 457.03 (1), Stats. provides the board with authority to promulgate rules establishing minimum standards for educational programs and supervised clinical training that must be completed to obtain licensure as a professional counselor.

Section 457.13 (2), Stats. gives the professional counselor section discretion to renew a professional counselor training license.

Related statute or rule:

Chapters MPSW 11.

Plain language analysis:

This rule project provides criteria for the Professional Counselor Section to consider when determining whether to grant a renewal of a professional counselor training license. The applicant is required to submit for the section's consideration a statement as to the reason for requesting the renewal, documentation of any education or other training the applicant has received since obtaining their training license, and a progress report from the applicant's supervisor.

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

None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

The Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board held a preliminary hearing on the statement of scope for this rule at its January 26, 2021 meeting. No comments were received.

Comparison with rules in adjacent states:

Illinois: An individual seeking a clinical professional counselor license must graduate from a master's level degree program in counseling or similar, and complete at least 2 years of supervised practice after completing the master's program. Alternatively, an individual with a doctorate in professional counseling or similar program is required to complete at least 2 years of professional counseling experience, with at least one year completed subsequent to completing the doctorate program. Illinois does not issue a training license to individuals seeking licensure as a clinical professional counselor. [225 ILCS 107/45 (b)].

Iowa: The Board of Behavioral Science within the Iowa Department of Public Health regulates marital and family therapists and mental health counselors. Iowa law allows for temporary licensure for the purpose of fulfilling a postgraduate supervised clinical experience. The temporary licensee must notify the board immediately in writing of any proposed change in supervisor(s) and obtain approval of any change in supervisor(s). Within 30 days of completion of the supervised clinical experience, the attestation of the completed supervised experience must be submitted to the board office. The temporary licensee remains under supervision until a permanent license is issued. A temporary license for the purpose of fulfilling the postgraduate supervised clinical experience requirement is valid for three years and may be renewed at the discretion of the board. [IAC Rule 645.31.2]

Michigan: The Michigan Department of Licensing and Regulatory Affairs regulates marriage and family therapists, professional counselors, and social workers. The Department may grant a limited professional counselor license to an individual who is at least 18 years old, has received a master's or doctoral degree in counseling from a qualified program and is practicing professional counseling under the supervision of a licensed professional counselor who meets statutory requirements. [MI Admin Code R 338.1772]

A limited license may be renewed annually, but for no more than 10 years. In cases of hardship, the board may consider a request for an extension of this time period. [MI Admin Code R 338.1776 (2)]

Minnesota: The Minnesota Board of Behavioral Health and Therapy regulates licensed professional counselors (LPC) and licensed professional clinical counselor (LPCC). However, an individual does not need to have a LPC in order to apply for the LPCC. The LPCC requires completion of a master's or doctoral degree in counseling or related field determined by the board to be equivalent to a qualified counseling program, and that the individual completes graduate level clinical course as determined by the board. Additionally, an individual must have completed 4,000 hours of professional practice. [MN 148B.5301 Subd. 1, Stats.]

Summary of factual data and analytical methodologies:

The section would like to provide greater clarity for both its members reviewing requests for professional counselor training license renewals, as well as for applicants seeking renewals. The current rules state that the section may approve a renewal at its discretion, but does not state for how long the renewal lasts or what factors the section should consider in making such a determination.

The section believes that reviewing the applicant's reason for requesting the renewal, considering any education or other training the applicant has received since obtaining their training license, and reviewing the supervisor's progress report on the applicant, will provide the section with valuable information as to whether a renewal of the training license is appropriate.

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

The rule draft was posted on the department's website for 14 days to solicit economic impact comments from local governments and small businesses. No comments were received.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the beginning of the public hearing scheduled for January 25, 2022 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 11.015 (2) is repealed and recreated to read:

MPSW 11.015 (2) A professional counselor training license is valid for 48 months, and may be renewed in two year intervals at the discretion of the professional counselor section. In determining whether to renew a professional counselor training license, the professional counselor section may request the following from the applicant:

- (a) A statement explaining why the applicant needs additional time to complete the hours of professional counselor practice experience required under MPSW 11.01 (3).
- (b) Documentation of any continuing education or graduate level courses the applicant has completed since obtaining their professional counselor training license.
- (c) A report from a person actively supervising the applicant under s. MPSW 12.02 (1), demonstrating that the applicant is making satisfactory progress towards completion of the professional counselor practice experience required under s. MPSW 11.01 (3).
- (d) Other relevant documentation.

SECTION 2. 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.

(END OF TEXT OF RULE)
