Chapter MPSW 1

AUTHORITY AND PRACTICE

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Note: The board’s mailing address is Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Department of Safety and Professional Services, P.O. Box 8935, Madison, Wisconsin 53708–8935.

MPSW 1.01 Authority. This chapter is adopted pursuant to ss. 13.93 (2m) (b) 1., Stats., and corrections made under ss. 13.93 (2m) (b) 7., Stats., Register October 2002 No. 562.

MPSW 1.02 Definitions. In chs. MPSW 1 to 6 and 10 to 20:

(1) “AODA” means alcohol or other drug abuse.
(1g) “Board” means the marriage and family therapy, professional counseling, and social work examining board.
(1q) “Credentialed” means a certificate or a license granted by the board.
(2) “Department” means the department of safety and professional services.
(2d) “DSM” means the diagnostic and statistical manual of mental disorders and refers to the most recent edition.
(2h) “ICRC” means the international certification reciprocity consortium.
(2m) “Psychotherapy” means the diagnosis and treatment of mental, emotional, or behavioral disorders, conditions, or addictions through the application of methods derived from established psychological or systemic principles for the purpose of assisting people in modifying their behaviors, cognitions, emotions, and other personal characteristics, which may include the purpose of understanding unconscious processes or interpersonal, interpersonal, or psychosocial dynamics.
(3) “Section” means either the marriage and family therapist section, the professional counselor section, or the social worker section of the marriage and family therapy, professional counseling and social work examining board.

History: Cr. Register, November, 1993, No. 455, eff. 12–1–93.

MPSW 1.03 Rule-making. (1) Except as provided in sub. (2), each section shall be responsible for proposing and drafting rules applying to its profession, and for holding public hearings on those rules. The board may approve and adopt rules proposed by any section of the board.

(2) The board shall be responsible for promulgating rules applying to matters that the board determines are of joint interest among the sections.

History: CR 15–082; cr. Register December 2016 No. 732, eff. 1–1–17.

MPSW 1.04 Application procedures for all sections of the board. An application for certification is incomplete until all materials requested are received by the board office, in English or accompanied by a certified English translation.

MPSW 1.05 Examination provisions for all sections. An application for certification is incomplete until all materials requested are received by the board office, in English or accompanied by a certified English translation.

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Entire code is always current. The Register date on each page is the date the chapter was last published.

Register August 2018 No. 752
(4) An applicant may review part I of the examination only once.

(5) Part II of the examination may be reviewed by telephone. During a telephone review an applicant shall be provided with the statute or administrative code reference number and the topic of the test questions the applicant failed.

(6) An applicant may not be accompanied during the review by any person other than the proctor.

(7) Bound reference books shall be permitted. Applicants may not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination nor attempt to refute claims of error during the review.

MPSW 1.07 Claims of examination error. An applicant for any credential issued by the board who claims an error in the examination may file a written request for board review in the board office within 30 days of the date the examination was reviewed. The board shall review the claim and notify the applicant in writing of the board’s decision and any resulting grade changes. Claims of examination error which are not filed within 30 days of an examination review shall be denied. The request shall include:

(1) The applicant’s name and address.

(2) The type of credential applied for.

(3) A description of the perceived error, including specific questions or procedures claimed to be in error.

(4) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant’s claim.

MPSW 1.08 Credential renewal and reinstatement procedures. (1) RENEWAL BY EXPIRATION DATE. A credential holder shall renew the credential by the expiration date by paying the renewal fee determined by the department under s. 440.03 (9) (a), Stats. and attesting to completion of the continuing education required under s. MPSW 19.02.

(2) RENEWAL WITHIN 5 YEARS. If the credential is renewed after the expiration date and within 5 years of the expiration date, a credential holder shall renew the credential by paying the renewal fee determined by the department under s. 440.03 (9) (a), Stats., attesting to completion of the continuing education required under s. MPSW 19.02, and paying a late renewal fee.

(3) RENEWAL AFTER 5 YEARS OF RENEWAL DATE. This subsection does not apply to credential holders who have unmet disciplinary requirements or whose credentials have been surrendered or revoked. A credential holder who has failed to renew a credential within 5 years after the renewal date holds an expired credential and may not reapply for the credential using the initial application process. A credential may be renewed after 5 years of the renewal date by complying with all of the following:

(a) Payment of the renewal fee determined by the department under s. 440.03 (9) (a) and the late renewal fee.

(b) Evidence of one of the following:

1. An active credential in good standing in another state.
2. Completion of 60 hours of approved continuing education, including 8 hours of professional ethics and boundaries, within the preceding 2 years.

(4) REINSTATEMENT. A credential holder who has unmet disciplinary requirements and failed to renew the credential within 5 years or whose credential has been surrendered or revoked may apply to have the credential reinstated in accordance with all of the following:

(a) Evidence of completion of the requirements in sub. (3) if the credential has not been active within the last 5 years.

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances, warranting reinstatement of the credential.

History: Cr. Register, November, 1993, No. 455, eff. 12–1–93; CR 02–105: am., Register October 2002 No. 562, eff. 11–1–02; CR 17–080: r. and recr. Register August 2018 No. 752, eff. 9–1–18.

MPSW 1.10 Professional liability insurance. (1) Except as provided in sub. (2), a person licensed as a clinical social worker, marriage and family therapist, or professional counselor may not practice clinical social work, marriage and family therapy, or professional counseling unless he or she has in effect professional liability insurance in the amount of at least $1,000,000 for each occurrence and $3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing clinical social work, marriage and family therapy, or professional counseling as an employee of a federal, state, or local governmental agency, if the practice is part of the duties for which he or she is employed and is solely within the confines of or under the jurisdiction of the agency by which he or she is employed.

History: CR 02–105: cr. Register October 2002 No. 562, eff. 11–1–02.

MPSW 1.11 Psychometric testing. (1) AUTHORITY. This rule is adopted pursuant to ss. 15.08 (5) (b), 227.11 (2) and 457.033, Stats.

(2) DEFINITION. In this section, the term “psychometric test” means a procedure for 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. 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. (5). Psychometric testing does not include a test instrument used solely to screen for problems, to assist in treatment planning, to clarify treatment goals, to plan for interventions, to monitor progress in treatment or an unstandardized questionnaire, unstructured behavior sample or a test used to evaluate performance in education or training or training prepared by a teacher or trainer.

(3) REQUIREMENTS FOR PERFORMING PSYCHOMETRIC TESTING. The competent use of a psychometric test requires that the licensee or person supervised by the licensee have the requisite knowledge, skills, training and experience needed to do all of the following:

(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) Analyze the results within a broad context of information about the examinee’s life.

(f) Seek supervision or consultation as needed from any licensee who are authorized to perform psychometric testing under this subsection.

(4) LICENSES AUTHORIZED TO PERFORM PSYCHOMETRIC TESTING. Psychometric testing may be performed by the following individuals:

(a) A psychologist licensed under ch. 455, Stats.

(b) A licensed or training licensed marriage and family therapist, a licensed or training licensed professional counselor or a licensed or training licensed clinical social worker or a certified advanced practice social worker or independent social worker
who satisfies the requirements in sub. (5) (a) and is acting under
the supervision of a licensed psychologist.

(c) A licensed marriage and family therapist, licensed profes-
sional counselor or licensed clinical social worker who satisfies
the requirements in sub. (5) (a) and (b).

(d) A licensed or training licensed marriage and family ther-
apist, a licensed or training licensed professional counselor or a
licensed or training licensed clinical social worker or a certified
advanced practice social worker or independent social worker
who satisfies the requirements in sub. (5) (a) and is acting under
the supervision of another licensee of the board specified in par.

(5) EDUCATIONAL REQUIREMENTS FOR PERFORMING PSYCHO-
METRIC TESTING WITHOUT SUPERVISION. A person who meets the
requirements in s. MPSW 1.11 (4) (b), (c) or (d) may engage in
psychometric testing without supervision 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) Academic training at the graduate or postgraduate level
from a regionally accredited program that covered:

1. Descriptive statistics.
2. Reliability and measurement error.
3. Validity and meaning of test scores.
5. Selection of appropriate tests.
6. Test administration procedures.
7. Ethnic, racial, cultural, gender, age and linguistic variables.
8. Testing individuals with disabilities.

(b) A signed statement from a professional qualified to super-
vise psychometric testing as set forth in sub. (4) (a) and (c) that the
supervised licensee meets the requirements to use psychometric
tests as set forth in this subsection. A licensee determined to be
qualified to use psychometric tests by prior affidavit is not
required to resubmit a signed statement and is deemed to meet the
requirements of pars. (a) and (b).

(6) LICENSES QUALIFIED TO SUPERVISE PSYCHOMETRIC TESTING.
The only professionals qualified to supervise psychometric test-
ing are licensed psychologists, licensed marriage and family ther-
apists, licensed professional counselors, and licensed clinical
social workers who meet the requirements in sub. (5) (a) and (b).

History: CR 02–105: cr. Register October 2002 No. 562, eff. 11–1–02; CR
10–013: r. and recr. Register December 2010 No. 660, eff. 1–1–11.