

Clearinghouse Rule 07-047

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 renumber and amend MPSW 17.03 (1) (d); to amend MPSW 17.03 (title), (1) (intro.) and (2); to repeal and recreate MPSW 17.03 (1) (c); and to create MPSW 17.03 (1) (d) 1. and 2., relating to training licenses for marriage and family therapists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Section 457.11 (1) and (2), Stats.

Statutory authority:

Section 15.08 (5) (b), 227.11 (2), 440.035 (1) and 457.11, Stats.

Explanation of agency authority:

The Marriage and Family Therapist Section has the authority under s. 457.11, Stats., to grant training licenses.

Related statute or rule:

There are no other rules or statutes than listed above.

Plain language analysis:

Training certificates are required in order to obtain 3,000 hours of supervised marriage and family practice before being eligible to receive a marriage and family therapist license. Section MPSW 17.03 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, a training license would allow applicants to complete their supervised training hours within 48 months, with the possibility for an extension, and would also permit them to complete those hours in an unpaid position. The new rule would also allow applicants who have a master’s degree in a related field and who are enrolled in a COAMFTE accredited or a marriage and family therapist section approved master’s or post-degree marriage and family therapy program, for example, to also be eligible for a training license.

SECTION 1 amends the title and introduction to reflect the change from a training license to a training certificate.

SECTION 2 identifies the information that must be submitted with the training license application. Applicants must either submit evidence that they have completed an appropriate master’s or doctoral degree, or are or will be enrolled in an approved post-graduate training program.

SECTION 3 eliminates the requirement of either having to be employed or having an offer of employment in order to obtain a training certificate, both of which were stricken under the new legislation.

SECTION 4 creates two provisions that permit marriage and family therapist training license holders to submit evidence that they have positions in which they may acquire their supervised hours of training, rather than having to be employed in a position, which was previously required.

SECTION 5 extends the validity of the training license from 24 to 48 months, with the possibility for a renewal.

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

There is no existing or pending federal regulation relating to training licenses for marriage and family therapists.

Comparison with rules in adjacent states:

Illinois:

Illinois requires an associate marriage and family therapy license to accumulate hours for licensure as a licensed marriage and family therapist.

Michigan:

Michigan does not offer a training license, rather appears to offer limited marriage and family therapist licenses under the supervision of a full licensed marriage and family therapist to get the requisite practice experience.

Minnesota:**5300.0175 LICENSURE PROCESS FOR LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS.**

Licensed associate marriage and family therapists must practice under the supervision of a board qualified supervisor as specified in parts 5300.0160 and 5300.0170. Licensed associate marriage and family therapists must observe the same laws and rules that govern the practice of licensed marriage and family therapists. Licensed associate marriage and family therapist status shall be granted for one year upon completion of the board's application form and payment of the required fee. Licensed associate marriage and family therapist status may be renewed on a yearly basis for up to four additional years.

Iowa:

Iowa does not offer a training certificate/level license for marriage and family therapists.

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 22. Previously, licensing law governing the marriage and family therapist 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.

The methodology for determination to expand which educational programs qualify for the training license to include those programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or master's or post-degree marriage and family therapy programs approved by the Marriage and Family Therapist Section, was primarily determined through the deliberative process, judgment and decision of the Marriage and Family Therapist Section.

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 finds 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 17.03 (title) and (1) (intro.) are amended to read:

MPSW 17.03 (title) ~~Training certificate~~ Application for a marriage and family therapist training license. (1) (intro.) The marriage and family therapist section

shall grant a marriage and family therapist training ~~certificate~~ license to any individual who does all of the following:

SECTION 2. MPSW 17.03 (1) (c) is repealed and recreated to read:

MPSW 17.03 (1) (c) Submits evidence satisfactory to the marriage and family therapist section that he or she has done one of the following:

1. Satisfies the requirements in s. 457.10 (2), Stats.
2. Is enrolled or will be enrolled in an institute for marriage and family therapy that is approved by the commission on accreditation for marriage and family therapy education of the American Association for Marriage and Family Therapy or by the marriage and family therapist section.
3. Holds a graduate degree in a mental health field approved by the marriage and family therapist section and is enrolled or will be enrolled in a master's or doctoral degree program in marriage and family therapy accredited by the commission on accreditation for marriage and family therapy education or approved by the marriage and family therapist section.

SECTION 3. MPSW 17.03 (1) (d) is renumbered MPSW 17.03 (1) (d) (intro.) and is amended to read:

MPSW 17.03 (1) (d) (intro.) Submits evidence satisfactory to the marriage and family therapist section ~~that he or she is employed full time, or has an offer of full time employment, as a marriage and family therapist in a supervised marriage and family therapist practice or in a position in which the applicant will, in the opinion of the marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a full time supervised marriage and family therapist practice.~~ of one of the following:

SECTION 4. MPSW 17.03 (1) (d) 1. and 2. are created to read:

MPSW 17.03 (1) (d) 1. The applicant is in a position or has an offer for a position as a marriage and family therapist in a supervised marriage and family therapist 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 marriage and family therapist section, receive training and supervision equivalent to the training and supervision received in a supervised marriage and family therapist practice.

SECTION 5. MPSW 17.03 (2) is amended to read:

MPSW 17.03 (2) A marriage and family therapist training ~~certificate~~ license is valid for ~~24~~ 48 months ~~or until the date on which the holder of the certificate ceases to be~~

~~employed in a position specified in sub. (1) (d), whichever occurs first, and may not be renewed by at the discretion of the marriage and family therapist section. A marriage and family therapist training certificate authorizes the holder to use any title specified in s. 457.04 (5), Stats., and to practice marriage and family therapy within the scope of his or her training or supervision during the period in which the certificate is valid.~~

(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 17.03 CR07- (Training license-MFT) Draft to CH 5-17-07