

Clearinghouse Rule 13-117

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

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)

PROPOSED ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to repeal chapter MPSW 8 and MPSW 14.03 and to repeal and recreate chapter MPSW 19 relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: § 457.22, Wis. Stats.

Statutory authority: §§ 15.08(5)(b) and 457.22(1), Wis. Stats.

Explanation of agency authority:

The examining board shall promulgate rules for its own guidance and for the guidance of the professional.

The examining board may promulgate rules establishing requirements and procedures for social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists and professional counselors to complete continuing education programs or courses of study in order to qualify for renewal of their credential.

Related statute or rule: § 457.22, Wis. Stats.

Plain language analysis:

This rule combines the three current chapters on continuing education into one chapter which covers social workers, advanced practice social workers, independent social workers, clinical social workers, marriage and family therapists and professional counselors.

Sections 1 and 2 delete the social worker and professional counselor continuing education requirements.

Section 3 repeals the marriage and family therapist continuing education requirements and recreates the new chapter which covers all professionals credentialed by Board.

The new chapter begins with definitions for the chapter.

The next section lists the continuing education requirement at 30 hours with at least 4 of those hours in ethics. As to ethics, marriage and family therapists would need to take ethics related to their profession only unless credentialed by another section and social worker ethics would need to be taken in an interactive learning format which is defined. Continuing education is not required during the initial licensure period. Continuing education may not be applied to a different credential period nor may continuing education taken as a result of a disciplinary action be counted.

The next section indicates how continuing education may be earned. Continuing education may be earned through approved program providers; postgraduate courses; in house trainings; presenting or developing professional materials for approved programs; postgraduate educators; authorship of published textbook or article; and authorship of alternative or electronic media or computer software.

The next section delineates the requirements for postponement and waivers for hardships and exemptions due to retirement. If a person retires and then returns to practice, continuing education would need to be completed.

The last section of the chapter provides for a record retention requirement of a minimum of 4 years and that audits may be conducted to determine compliance with the continuing education requirements.

Section 4 is the effective date of the rules which is the first day of the month following publication in the administrative register.

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

None

Comparison with rules in adjacent states:

Illinois: In Illinois, each marriage and family therapist, professional counselor and social worker credential holder shall complete 30 hours of continuing education. Continuing education hours may be earned for attending programs, courses, and postgraduate training programs; teaching and presenting programs and courses; and authorship of papers or books. Professional counselors also have an 18 credit hours in clinical

supervision training as a one time (lifetime) requirement for continuing education. Social workers have a 3 credit hours requirement in ethics every two years.

Iowa: In Iowa, each marriage and family therapist and licensed mental health counselor, shall complete 40 hours of continuing education of which 3 hours shall be in the area of ethics.. Continuing education may be earned by attendance at workshops, conferences and academic courses; presenting professional programs; and scholarly research which is published. Each social work credential holder shall complete 27 hours of continuing education of which 3 hours shall be in the area of ethics. Continuing education may be earned by attendance at sponsored activities and programs; pro-bono or volunteer work; instruction of a program or course; authorship of papers, publications; and preparation of presentations and exhibits before a professional audience. Those credential holders who provide supervision shall complete 3 hours of the required 27 hours in supervision.

Michigan: Michigan does not require continuing education for marriage and family therapists or professional counselors. In Michigan, social work credentials shall complete 45 hours continuing education in a three year period. At least 5 of the hours shall be in ethics and 1 hour in pain and pain symptom management.

Minnesota: In Minnesota, marriage and family therapists shall complete 30 hours of continuing education. Continuing education may be earned by attendance at workshops, seminars, symposia or postgraduate institutes; teaching a course, workshop, seminar, symposia or at a meeting of professional organizations; research; and authorship of a book or article. Professional counselors in the first four years shall complete 12 graduate semester credits and 40 hours of continuing education and after the first four years, only 40 hours of continuing education. Continuing education may be earned by attendance at approved programs or courses; teaching a postgraduate course; authoring, editing, producing or reviewing in the area of professional counseling; presentations at approved programs; and serving as a board or committee member of a major state or national professional counseling organization, national counselor certification board, a state counseling licensure board and a major counseling conference or convention. Each social worker credential shall complete 40 hours of continuing education and at least 2 hours in ethics. Continuing education may be earned by academic coursework; educational workshops, seminars or conferences offered by an approved organization; staff training offered by public or private employer; and independent study. Licensed independent clinical social workers are required to complete 24 hours in the clinical content area. Those providing supervision shall complete at least 6 hours in supervision.

Summary of factual data and analytical methodologies:

The Board examined each Section's rules with the goal of having just one chapter on continuing education for all credentials granted by the Board. The Board also looked at

recent audits which revealed confusion among credential holders who have more than one credential with the Board.

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

In preparation of the EIA, the rule was posted for economic comments for a period of 14 days and received no comments.

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 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapter MPSW 8 is repealed.

SECTION 2. Section MPSW 14.03 is repealed.

SECTION 3. Chapter MPSW 19 is repealed and recreated to read:

MPSW 19.01 Definitions. In this chapter:

(1) "Board" means the marriage and family therapy, professional counseling and social work examining board.

(2) “Interactive learning format” means a live, synchronous presentation with discussion or an asynchronous educational program by a provider under MPSW 19.03(1)(a) or (f).

(3) “Section” means any of the following:

- (a) Marriage and family therapy section.
- (b) Professional counseling section.
- (c) Social worker section.

MPSW 19.02 Continuing education requirements. (1) Unless granted a postponement or waiver of the continuing education requirement under s. 19.04, every marriage and family therapist, professional counselor, social worker, advanced practice social worker, independent social worker and clinical social worker is required to complete at least 30 continuing education credit hours in approved continuing education programs during each 2 year credential period.

(2) A minimum of 4 continuing education credit hours, of the required 30 continuing education credit hours, shall be in the area of professional ethics and boundaries related to the practice of marriage and family therapy, professional counseling or social work.

- (a) Marriage and family therapist ethic hours shall be related to the practice of marriage and family therapy unless the credential holder maintains multiple credentials granted by the board.
- (b) Social work credential holders shall complete their ethic hours in an interactive learning format.

(3) During the time between receiving the initial credential and commencement of a full 2 year period, a new credential holder is not required to meet continuing education requirements for the first renewal of the credential.

(4) Continuing education credit hours may apply only to the 2 year credential period in which the credit hours are acquired, unless either of the following applies:

- (a) Continuing education hours required as a consequence of a disciplinary proceeding may not be counted towards the fulfillment of generally applicable continuing education requirements.
- (b) If the credential holder fails to meet the continuing education requirement during a 2 year credential period, any additional continuing education hours obtained on or after the renewal date to satisfy the requirement of the preceding period will not apply to the period in which they are earned.

MPSW 19.03 Approved continuing education. (1) Continuing education programs, if relevant to the professional practice of marriage and family therapy, professional counseling or social work, are approved as follows:

- (a) Any continuing education program approved, sponsored, provided, endorsed, or authorized by:
 1. American Association for Marriage and Family Therapy (AAMFT) or affiliated divisions
 2. Wisconsin Association for Marriage and Family Therapy (WAMFT)
 3. National Rehabilitation Counseling Association (NRCA)
 4. American Rehabilitation Counseling Association (ARCA)
 5. Wisconsin Rehabilitation Counseling Association (WRCA)
 6. National Board for Certified Counselors (NBCC)

7. American Counseling Association (ACA)
8. Wisconsin Counseling Association (WCA)
9. National Board for Certified Counselors (NBCC)
10. Commission on Rehabilitation Counselor Certification (CRCC)
11. Association of Social Work Boards (ASWB)
12. National Association of Social Workers (NASW) or affiliated chapters.
13. Association of Baccalaureate Program Directors (BPD)
14. Council on Social Work Education (CSWE)
15. National Association of Alcohol and Drug Abuse Counseling (NAADAC) or affiliated divisions.

(b) Any continuing education program or course offered by a training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

(c) Any continuing education program approved, sponsored, or co-sponsored by a presenter approved by the Committee for the Approval of Continuing Education Sponsors of the American Psychological Association.

(d) Any educational programs, recognized as approved at the time of attendance as "Category I" continuing medical education programs by the Council on Medical Education of the American Medical Association or the American Osteopathic Association.

(e) Any course or continuing education program offered by an accredited college or university.

(f) Public and private agencies that provide in-house training and development programs. Only 15 of the required 30 continuing education credit hours shall be met through in-house training and development programs which are not approved by paragraphs (a) through (e).

(2) Continuing education hours may be awarded for the following professional activities, if relevant to the professional practice of marriage and family therapy, professional counseling, or social work:

(a) A presenter of professional material shall receive 1 continuing education credit hour per hour of continuing education or a developer of professional material shall receive 1 continuing education credit hour per hour of development of continuing education. A presenter of a semester education course shall receive 20 continuing education credit hours. No additional continuing education credit hours will be granted for subsequent presentations of the same material. A presenter of professional material at any of the following qualifies for continuing education:

1. Seminars, workshops, programs, or institutions approved in subsection (1)(a) through (f).
2. University, college, or vocational technical adult education courses.

(b) Authorship of a published textbook or professional resource book. Authors of a book shall receive 20 continuing education credit hours.

(c) Authorship of a published chapter in a textbook or professional resource book, or a professional journal article. Authors of chapters or articles shall

receive 8 continuing education credit hours. No more than 16 continuing education hours may be obtained for authorship of chapters or articles.

(d) Authorship of alternative or electronic media or computer software. Authorship of these materials shall receive 8 continuing education credit hours. No more than 16 continuing education hours may be obtained for authorship of alternative or electronic media or computer software.

MPSW 19.04 Postponement, Waiver and Exemption. (1) A credential holder may apply to the section for a postponement or waiver of the requirements of this chapter on grounds of prolonged illness, disability, or other ground constituting extreme hardship. The section shall consider each application individually on its merits and the section may grant a postponement, partial waiver or total waiver as deemed appropriate in the circumstances.

(2) The section may grant an exemption from the requirements of this chapter to a credential holder who certifies to the section that the credential holder has retired and no longer uses the title “marriage and family therapist,” “professional counselor,” “social worker,” “advanced practice social worker,” “independent social worker,” or “clinical social worker,” and no longer practices marriage and family therapy, professional counseling, or social work. The credential holder’s status will change to non-practicing.

(3) A credential holder who has been granted an exemption due to retirement may not return to the active practice or use the title without submitting evidence satisfactory to the section that the credential holder has completed at least 30 continuing education credit hours for each of the biennia during which the credential holder was granted an exemption.

MPSW 19.05 Record retention and audits. (1) A credential holder shall retain for a minimum period of 4 years and shall make available to the board, or its agent upon request, documentation of publication or certificates of attendance issued by the program sponsor for all continuing education programs for which the credential holder claims credit for purposes of renewal of the credential. The certificate shall include the name of credential holder, date, provider name, hours and title of program.

(2) The section may conduct audits or investigations, including random audits, to determine compliance by credential holders with this chapter.

SECTION 4. 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)

Dated _____

Agency _____

Member of the Board