

Report From Agency

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

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
MARRIAGE AND FAMILY THERAPY, : CR 14-063
PROFESSIONAL COUNSELING AND :
SOCIAL WORK EXAMINING BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The basis and purpose of the proposed rule is to clarify and update the educational and supervised training requirements for a person credentialed by the Board. It advances the statutory goal by establishing clear and updated educational and supervised training requirements. In updating these requirements, the Board considered the requirements for qualifying for a credential under s. 440.88, Stats, publications from the Substance Abuse and Mental Health Services Administration and the education and training of people credentialed by the Board and the Psychology Examining Board.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board held a public hearing on December 19, 2014. The following people either testified at the hearing, or submitted written comments:

Michael Waupoose, Chairperson, State Council on Alcohol and Other Drug Abuse
Gail Kinney, Program Director AODA Associate Degree, Chippewa Valley Tech College
Laurie Lessard, Director, Lutheran Social Services
Patrick Isenberger, Drug Court Coordinator, Eau Claire County Dept. of Human Services

Jef Whitfield
Troy Bruns, Adjunct Instructor, AODA & Behavioral Science, Chippewa Valley Tech College
Mark Flower, Director of Community Programs, Dry Hootch of America
Marie Dachel Hall
Randy Guilhas
Brenda Goettl, AODA Clinical Supervisor, L.E. Phillips-Libertas Treatment Center
David Hoban
Rhonda Hemenway
Jamie Briesemeister
Susan Belanger
Michael Slavin, Ministry Behavior Health

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board summarizes the comments received either by hearing testimony or by written submission as follows:

SCAODA opposes the eliminating the psychopharmacology education requirement and IC&RC examination and the addition to the list of qualified supervisors an individual who is approved in advance by the board.

Ms. Kinney and Ms. Lessard opposes the reduction in education for credential holders who have a master's degree, the elimination of 45 hours of psychopharmacology, removal of the reference to U.S. Department of Health and Human Services Technical Assistance Publication Series 21; the reduction in hours of supervised client treatment required for credential holders who have a master's degree; the credential holders with bachelor's degrees are required to meet the current MSPW 1.09 requirements instead of the SAC credential; and the addition to the list of qualified supervisors an individual who is approved in advance by the board.

Mr. Isenberger, Mr. Flower and Mr. Hoban do not want to lower standards in the alcohol and drug abuse field.

Mr. Whitfield, Mr. Guilhas and Ms. Briesemeister want all AODA professionals to obtain the credentials issued under 440.88, Stats. Ms. Briesemeister also does not believe drug abuse is a mental health disease.

Mr. Bruns does not want professional counselors, social workers or marriage and family therapist to automatically be allowed to do AODA counseling. He would like them to have training and education in substance abuse.

Ms. Hall, Ms. Hemenway and Mr. Slavin believe technical colleges are better suited to training substance abuse disorder treatment rather than master's degree programs. Ms. Hall is also wondering about grandfathering those who have technical college degrees.

Ms. Goettl does not want to remove the specialization.

Ms. Belanger thinks the purpose of the rule is an agenda to push out substance abuse counselors for those who have a credential which requires a master's degree.

The Marriage and Family Therapy, Professional Counseling and Social Work Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

The Board reviewed the public hearing comments at two board meetings and referred the matter to a committee in between the two meetings to research and discuss the comments. The Board chose not to make any changes as a result of the public comments.

The Board indicated that there appeared to be confusion for some of the commenters regarding the difference between substance abuse counselor credentials issued by the Department of Safety and Professional Services (DSPS) under s. 440.88, Stats. and the specialty authorization granted by the Board. The rule changes do not affect the credentials issued by DSPS.

The scopes of practice for the credentials issued by the Board include all DSM diagnoses including substance use disorder (current term used in DSM-V instead of “dependence” or “abuse” as was used in DSM-IV). These credential holders may treat substance use disorder. The specialty is required for a person to treat substance use disorder as a specialty or to use the titles “alcohol and drug counselor” or “chemical dependency counselor”. This actually expands those who would be required to obtain the specialty to include Board credential holders who are treating across the entire substance use disorder spectrum as a specialty.

There is no other state in the nation which requires marriage and family therapists, professional counselors or clinical social workers to obtain a separate credential or be granting authorization to treat substance use disorder as a specialty. These are general licenses with the profession using his or her judgement as to their educational, experience and training in a specific area that the person is specializes in. For instance, post-traumatic stress disorder has a high impact on society yet there are no specific requirements in order to be granted an authorization to specialize in treatment. An example given in the testimony regarding a cardiologist doing knee surgery yet the Medical Examining Board issues the same license to both the cardiologist and the orthopedic and it is the professional responsibility to treat in the area the person has education, training and experience.

The Board recognizes a credential holder needs the experience, training and experience to treat substance use disorder. The Board also recognizes the legislature wants to ensure the person has the training, education and experience based upon s. 457.02(5) and (5m), Stats. The Board considered the requirements for qualifying for a credential issued under s. 400.88, Stats, the literature from the Substance Abuse and Mental Health Services Administration and the U.S. Department of Health and Human Services, the requirements for the required degrees for licensure under ch. 457, Stats. and consulted with substance abuse disorder experts who are credentialed under chs. 457 and 455, Stats. in determining the requirements for granting the specialty.

In regards to the elimination of the requirement for 45 hours of psychopharmacology, the Board did not find support for the necessity of this requirement in that the credentials issued under s. 440.88, Stats do not have this requirement nor is it in the Substance Abuse and Mental

Health Services Administration literature. The Board further consulted substance use disorder experts credentialed under chs. 457 and 455, Stats regarding this requirement and no one identified this as a necessary minimum requirement.

In regards to the Board adding to the list of qualified supervisors an individual who is approved in advance by the Board, the Board currently has that provision in all of their credential requirements for supervised practice. This provision allows the Board to use their discretion to approve an otherwise qualified supervisor who may not meet the specified licensure statutes. This is particularly of importance when a person obtains their supervised experience in another state which may have substantially equivalent credentials with a different title.

In regards to the removal of the reference to the TAP 21 document. This document was referred to in the current rule but was never incorporated by reference. The Board chose to define the topic areas rather than refer to a document which is subject to change.

The Board also recognizes that in many cases of substance use disorder there are other diagnoses involved as well. A dual diagnosis can be treated by a Board credential holder without the necessity of a referral.

Finally, the Board noticed that all the public hearing comments were from people who hold the credentials issued under s. 440.88, Stats. The Board believes while these people are knowledgeable about the substance abuse counselor credentials under s. 440.88 and the topic of substance use disorder, they may not be as familiar with the education and experience received by people who meet the requirements for credentials under ch. 457.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole. It should be noted that there were two typos in the Clearinghouse Report. The reference in Comment 5.a. should be s. MPSW 1.095(2)(a). The reference in Comment 5.c. should be MPSW 1.095(3)(a)1.d.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

There is no effect on small business.