

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

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MARRIAGE AND FAMILY THERAPY,
MARRIAGE AND FAMILY THERAPY, : PROFESSIONAL COUNSELING AND
PROFESSIONAL COUNSELING AND : SOCIAL WORK EXAMINING
SOCIAL WORK EXAMINING BOARD : BOARD ADOPTING RULES
: (CLEARINGHOUSE RULE 03-058)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend MPSW 13.01 (1), (2) (intro.) and (a) to (c); and to create MPSW 10.01 (1m) and (3m), and 13.01 (3), relating to the National Counselor Mental Health Certification Examination.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 457.03 (1), Wis. Stats.

Statutes interpreted: ss. 457.03 and 457.035, Wis. Stats.

This proposed rule-making order requires that a Professional Counselor who wishes to practice psychotherapy independently pass the National Counselor Mental Health Certification Examination (NCMHCE). Under new law effective November 1, 2002, licensed professional counselors may practice psychotherapy independently. In order to ensure that they are qualified to practice psychotherapy independently, the Professional Counselor Section wishes to require all new applicants for licensure to pass the national clinical examination, the NCMHCE. Without this change, there will be less certainty that professional counselors are qualified to practice psychotherapy, and requiring passage of the NCMHCE will ensure greater protection of the public.

SECTION 1. creates a definition of “DSM,” and a definition of “psychotherapy’ by incorporating the statutory meaning in s. 457.01 (8m) and further specifying that the term concerns DSM diagnosis and treatment of persons with DSM diagnoses.

SECTION 2. indicates the requirements under which professional counselors may engage in psychotherapy after January 1, 2007. These requirements include passing the National Counselor Mental Health Certification Examination, completing post bachelor education in psychotherapy modalities, and completion of post-master’s supervised practice including DSM diagnosis and treatment.

SECTION 3. indicates that a professional counselor who does not wish to practice psychotherapy need not fulfill the requirements indicated in Section 2.

TEXT OF RULE

SECTION 1. MPSW 10.01 (1m) and (3m) are created to read:

MPSW 10.01 (1m) "DSM" refers to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

(3m) "Psychotherapy" has the meaning given in s. 457.01 (8m), Stats. Specifically, psychotherapy involves diagnosing DSM conditions and treating persons with DSM diagnoses.

SECTION 2. MPSW 13.01 (1), (2) (intro.) and (a) to (c) are amended to read:

MPSW 13.01 (1) ~~A~~ After January 1, 2007, a licensed professional counselor may engage without supervision in psychotherapy or psychotherapeutic counseling only if he or she is qualified to do so by education, training ~~or~~ and experience.

(2) (intro.) ~~Qualification~~ A licensed professional counselor shall demonstrate qualification to engage without supervision in psychotherapy or psychotherapeutic counseling may be demonstrated by the following by submitting evidence of all of the following to the department for section approval:

(a) Successful completion of the ~~national counselor mental health certification examination~~ National Counselor Mental Health Certification Examination (NCMHCE);

(b) ~~At least 180 contact hours~~ 6 semester credits or 9 quarter credits of postgraduate training post-bachelor's education in psychotherapy modalities; ~~and~~

(c) An affidavit by a supervisor qualified and authorized to practice psychotherapy that the individual has completed at least 3,000 hours of post-master's supervised clinical professional counselor practice in not less than 2 years, including at least 1,000 hours of face-to-face client contact and including DSM diagnosis and treatment of individuals.

SECTION 3. MPSW 13.01 (3) is created to read:

MPSW 13.01 (3) The definition of "professional counseling" in s. 457.01 (6), Stats., extends to the provision of psychotherapy services. A licensed professional counselor who does not practice psychotherapy and who limits his or her practice to "the application of mental health, psychological or human development principles, through cognitive, affective, behavioral or systemic intervention strategies, that address wellness, personal growth, or career development" is not required to satisfy the requirements in sub. (2).

(END OF TEXT)

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.), Wis. Stats.

Dated _____ Agency _____

LaMarr Franklin, Chairperson
Marriage and Family Therapy,
Professional Counseling and Social
Work Examining Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute the rule change. The Department will incur slight indeterminate costs to check applications for the required qualifications.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.