

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 BOARD
SOCIAL WORK EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 05-051)

ORDER

An order of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to amend MPSW 16.03 and 17.01, relating to supervised clinical practice and temporary licenses issued by the Marriage and Family Therapist Section.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Sections 457.10 (3), 457.11 and 457.14 (1) (c) and (2), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) and 457.03 (1), Stats.

Explanation of agency authority:

The Marriage and Family Therapist Section has the authority under s. 457.03 (1), Stats., to establish minimum standards for supervised clinical training. Those standards are set forth with specificity in s. MPSW 16.03. They currently require one hour of face-to-face supervision for each 10 hours of supervised practice. The use of the term “supervised practice” has been confusing for applicants. As a result, the term “client contact” is being substituted to better clarify what is actually needed and should therefore remedy any confusion. Supervised clinical experience is required of applicants following the completion of either a master’s or doctoral program in social work. This proposal clarifies not only the nature of the supervision but also makes clear that a training certificate must be obtained before the accumulation of postgraduate supervised clinical experience can begin.

The Marriage and Family Therapist Section has the authority under s. 457.14, Stats., to issue temporary certificates and temporary licenses. More specifically, s. MPSW 17.01 provides that a temporary marriage and family therapist license is valid for nine months or until the applicant’s examination scores are released, whichever occurs first. It also provides for a renewal of the

temporary license, not to exceed nine months. This proposal puts fewer restrictions on the renewal provisions for the temporary license thereby accommodating the practical realities that applicants typically face while attempting to obtain their permanent license. This proposal also allows a temporary license to remain in effect despite an examination failure. Those holding temporary licenses work under supervision and are subject to having their practice monitored.

Related statute or rule:

There are no other statutes or rules

Plain language analysis:

SECTION 1. The rules currently require one hour of face-to-face supervision for each 10 hours of supervised practice. The use of the term “supervised practice” has been confusing for applicants. Section MPSW 16.03 is amended to substitute “supervised practice” with “client contact” to better clarify that supervisees must receive the minimum one hour of face-to-face supervision for each 10 client contact hours. Supervised clinical experience is required of applicants following the completion of either a master’s or doctoral program in social work. This amendment clarifies not only the nature of the supervision but also makes clear that a training certificate must be obtained before the accumulation of postgraduate supervised clinical experience can begin.

SECTION 2. The rules currently provide that a marriage and family therapist temporary license is valid for nine months or until the applicant’s examination scores are released, whichever occurs first and also provides for a renewal not to exceed nine months. Section MPSW 17.01 is amended to grant one renewal of the temporary license, and to permit a holder of a temporary license to place it “on hold.” This amendment also allows a temporary license to remain in effect despite an examination failure. Those holding temporary licenses work under supervision and are subject to having their practice monitored.

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

No proposed or existing federal regulation currently exists with respect to the supervised clinical practice of marriage and family therapists or with respect to temporary licenses.

Comparison with rules in adjacent states:

Illinois:

Illinois requires supervised practice, including a provision that those under supervision obtain a certain number of “client contact” hours. However, it does not appear as if Illinois has a provision for a temporary license. For more information see the Illinois website at <http://www.ildpr.com/WHO/AR/MGFMTHP.asp>.

Michigan:

Michigan requires a certain number of “direct client contact hours” but does not appear to have an option for a temporary license. For more information see the Michigan website at http://www.michigan.gov/mdch/0,1607,7-132-27417_27529_27538---,00.html.

Minnesota:

Minnesota has a supervised practice component which also contains a provision requiring a certain amount of “clinical client contact.” But Minnesota does not appear to have a temporary license provision. For more information see the Minnesota website at <http://www.bmft.state.mn.us/MainStatutesRules.htm>.

Iowa:

Iowa requires supervised “face to face contact with couples and families” as a requirement for licensure; however, there does not appear to be a provision for a temporary license. For more information see the Iowa website at <http://www.legis.state.ia.us/Rules/Current/iac/645iac/64531/64531.pdf>.

Summary of factual data and analytical methodologies:

No study resulting in the collection of factual data was used in reference to this rule-making effort. The primary methodology for revising the rule is the board’s ongoing analysis and determination that a rules change is necessary.

Determination of significant fiscal effect on the private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal effect:

The proposed rule will have no impact on the department’s funds.

Effect on small business:

Pursuant to s. 227.114 (1), Stats., these proposed rules will have no significant economic impact on a substantial number of small businesses. The Department’s Small Business 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, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 171, 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, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708-8935. Email pamela.haack@drl.state.wi.us. Comments must be received on or before August 11, 2005, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MPSW 16.03 is amended to read:

MPSW 16.03 Supervised clinical practice. The person whose practice is being supervised shall receive a minimum of one hour of face-to-face supervision for each 10 client contact hours of supervised practice. ~~Practice of marriage and family therapy which occurs as part of the requirements for obtaining a master's or doctoral degree in marriage and family therapy or a substantially related field shall not be considered to fulfill any part of the postgraduate supervised practice requirement.~~ Only those individuals who hold a valid marriage and family therapist training certificate may begin accumulating hours towards their postgraduate supervised practice requirements.

SECTION 2. MPSW 17.01 is amended to read:

MPSW 17.01 Temporary license. The marriage and family therapist section may issue a temporary license permitting a person who has completed the educational and supervised practice requirements for eligibility for a license as a marriage and family therapist upon payment of the fee for the temporary license and application for the next available examination to use the title "marriage and family therapist" and to practice marriage and family therapy. The temporary license is valid for a period not to exceed 9 months from the date of its issuance, ~~or the date on which examination scores are released, whichever comes sooner.~~ ~~The marriage and family therapists section may grant one renewal of the temporary license in cases of hardship, for a period not to exceed 9 months or the date of the release of scores from the next available examination after the date of renewal of the temporary license, whichever occurs sooner.~~ A person who fails the licensure examination shall immediately return the temporary license to the marriage and family therapists section. The marriage and family therapists section may not grant or renew a temporary license to an applicant who has failed the licensure examination and it may be renewed once upon receipt of a written request and any required renewal fee. If a temporary license is returned to the department prior to its expiration along with a written request that it be placed on hold, the temporary license may later be reissued to the holder for the remainder of the 9 month period.

(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.), Wis. Stats.

Dated _____

Agency _____

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

MPSW 16.03, 17.01 CR05-051 (Supervised practice, temp license) Draft for Adoption 12-9-05